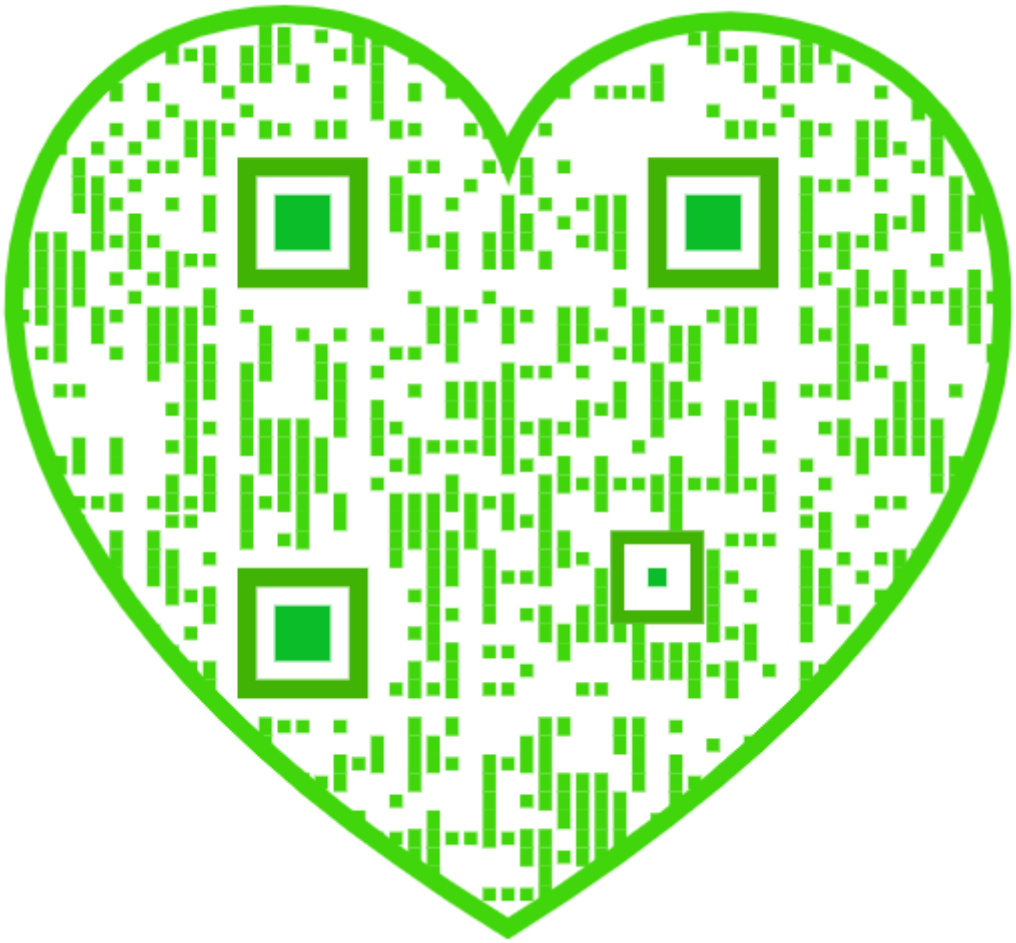

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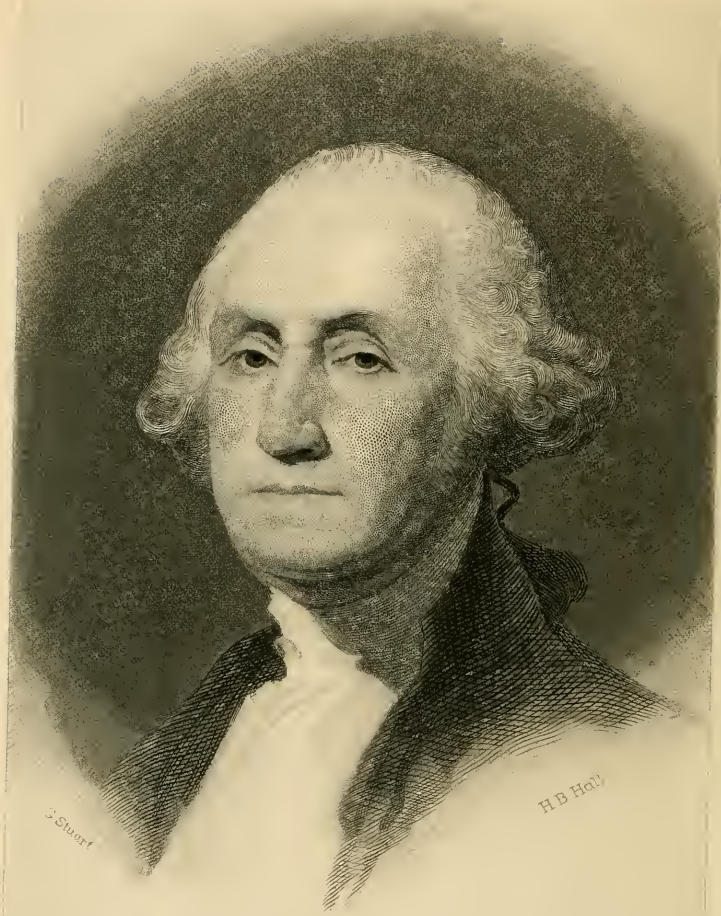
J. Stuart
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MASTERPIECES

OF

AMERICAN ELOQUENCE

REPRESENTATIVE ORATIONS ILLUSTRATING AMERICAN POLITICAL HISTORY

CONTAINING ORATIONS BY PATRICK HENRY, ALEXANDER HAMILTON, GEORGE WASHINGTON, FISHER AMES, THOMAS JEFFERSON, JOHN RANDOLPH, JOSIAH QUINCY, HENRY CLAY, JOHN C. CALHOUN, DANIEL WEBSTER, WENDELL PHILLIPS, CHARLES SUMNER, STEPHEN A. DOUGLAS, ABRAHAM LINCOLN, WILLIAM H. SEWARD, JEFFERSON DAVIS, ETC., ETC., ETC.

EDITED WITH VERY FULL INTRODUCTIONS

BY

ALEXANDER JOHNSTON

PROFESSOR OF JURISPRUDENCE AND POLITICAL ECONOMY IN THE COLLEGE OF NEW JERSEY

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INTRODUCTORY.

ALL authorities are agreed that the political history of the United States, beyond much that is feeble or poor in quality, has given to the English language very many of its most finished and most persuasive specimens of oratory. It is natural that oratory should be a power in a republic; but, in the American republic, the force of institutions has been reinforced by that of a language which is peculiarly adapted to the display of eloquence. Collections of American orations have been numerous and useful, but the copiousness of the material has always proved a source of embarrassment. Where the supply is so abundant, it is exceedingly difficult to make selections on any exact system, and yet impossible to include all that has a fair claim to the distinctive stamp of oratory. The results have been that our collections of public

speeches have proved either unsatisfactory or unreasonably voluminous.

The design which has controlled the present collection has been to make such selections from the great orations of American history as shall show most clearly the spirit and motives which have actuated its leaders, and to connect them by a thread of commentary which shall convey the practical results of the conflicts of opinion revealed in the selections. In the execution of such a work much must be allowed for personal limitations; that which would seem representative to one would not seem at all representative to others. It will not be difficult to mark omissions, some of which may seem to mar the completeness of the work very materially; the only claim advanced is that the work has been done with a consistent desire to show the best side of all lines of thought which have seriously modified the course of American history. Some great names will be missed from the list of orators, and some great addresses from the list of orations; the apology for their omission is

that they have not seemed to be so closely related to the current of American history or so operative upon its course as to demand their insertion. Any errors under this head have occurred in spite of careful consideration and anxious desire to be scrupulously impartial.

Very many of the orations selected have been condensed by the omission of portions which had no relevancy to the purpose in hand, or were of only a temporary interest and importance. Such omissions have been indicated, so that the reader need not be misled, while the effort has been made to so manage the omissions as to maintain a complete logical connection among the parts which have been put to use. A tempting method of preserving such a connection is, of course, the insertion of words or sentences which the speaker might have used, though he did not; but such a method seemed too dangerous and possibly too misleading, and it has been carefully avoided. None of the selections contain a word of foreign matter, with the exception of one of Randolph's speeches

and Mr. Beecher's Liverpool speech, where the matter inserted has been taken from the only available report, and is not likely to mislead the reader. For very much the same reason, foot-notes have been avoided, and the speakers have been left to speak for themselves.

Such a process of omission will reveal to any one who undertakes it an underlying characteristic of our later, as distinguished from our earlier, oratory. The careful elaboration of the parts, the restraint of each topic treated to its appropriate part, and the systematic development of the parts into a symmetrical whole, are as markedly present in the latter as they are absent in the former. The process of selection has therefore been progressively more difficult as the subject-matter has approached contemporary times. In our earlier orations, the distinction and separate treatment of the parts is so carefully observed that it has been comparatively an easy task to seize and appropriate the parts especially desirable. In our later orations, with some exceptions, there is an evidently de-

creasing attention to system. The whole is often a collection of *disjecta membra* of arguments, so interdependent that omissions of any sort are exceedingly dangerous to the meaning of the speaker. To do justice to his meaning, and give the whole oration, would be an impossible strain on the space available; to omit any portion is usually to lose one or more buttresses of some essential feature in his argument. The distinction is submitted without any desire to explain it on theory, but only as a suggestion of a practical difficulty in a satisfactory execution of the work.

The general division of the work has been into (1) Colonialism, to 1789; (2) Constitutional Government, to 1801; (3) the Rise of Democracy, to 1815; (4) the Rise of Nationality, to 1840; (5) the Slavery struggle, to 1860; (6) Secession and Reconstruction, to 1876; (7) Free Trade and Protection. In such a division, it has been found necessary to include, in a few cases, orations which have not been strictly within the time limits of the topic, but have had a close

logical connection with it. It is hoped, however, that all such cases will show their own necessity too clearly for any need of further explanation or excuse.

The work will be completed in three volumes.

PRINCETON, N. J., *July* 1, 1884.

PART I.

I.

COLONIALISM.

THE FORMATION OF THE CONSTITUTION.

I.

COLONIALISM.

THE FORMATION OF THE CONSTITUTION.

It has been said by an excellent authority that the Constitution was "extorted from the grinding necessities of a reluctant people." The truth of the statement is very quickly recognized by even the most surface student of American politics. The struggle which began in 1774–5 was the direct outcome of the spirit of independence. Rather than submit to a degrading government by the arbitrary will of a foreign Parliament, the Massachusetts people chose to enter upon an almost unprecedented war of a colony against the mother country. Rather than admit the precedent of the oppression of a sister colony, the other

colonies chose to support Massachusetts in her resistance. Resistance to Parliament involved resistance to the Crown, the only power which had hitherto claimed the loyalty of the colonists; and one evil feature of the Revolution was that the spirit of loyalty disappeared for a time from American politics. There were, without doubt, many individual cases of loyalty to "Continental interests"; but the mass of the people had merely unlearned their loyalty to the Crown, and had learned no other loyalty to take its place. Their nominal allegiance to the individual colony was weakened by their underlying consciousness that they really were a part of a greater nation; their national allegiance had never been claimed by any power.

The weakness of the confederation was apparent even before its complete ratification. The Articles of Confederation were proposed by the Continental Congress, Nov. 15, 1777. They were ratified by eleven States during the year 1778, and Delaware ratified in 1779.

Maryland alone held out and refused to ratify for two years longer. Her long refusal was due to her demand for a national control of the Western territory, which many of the States were trying to appropriate. It was not until there was positive evidence that the Western territory was to be national property that Maryland acceded to the articles, and they went into operation. The interval had given time for study of them, and their defects were so patent that there was no great expectation among thinking men of any other result than that which followed. The national power which the confederation sought to create was an entire nonentity. There was no executive power, except committees of Congress, and these had no powers to execute. Congress had practically only the power to recommend to the States. It had no power to tax, to support armies or navies, to provide for the interest or payment of the public debt, to regulate commerce or internal affairs, or to perform any other function of an efficient national government. It was

merely a convenient instrument of repudiation for the States; Congress was to borrow money and incur debts, which the States could refuse or neglect to provide for. Under this system affairs steadily drifted from bad to worse for some six years after the formal ratification of the articles. There seemed to be no remedy in the forms of law, for the articles expressly provided that no alteration was to be made except by the assent of every State. Congress proposed alterations, such as the temporary grant to Congress of power to levy duties on imports; but these proposals were always vetoed by one or more states.

In 1780, in a private letter, Hamilton had suggested a convention of the States to revise the articles, and as affairs grew worse the proposition was renewed by others. The first attempt to hold such a convention, on the call of Virginia, was a failure; but five States sent delegates to Annapolis, and these wisely contented themselves with recommending another convention in the following year. Congress

was persuaded to endorse this summons; twelve of the States chose delegates, and the convention met at Philadelphia, May, 14, 1787. A quorum was obtained, May 25th, and the deliberations of the convention lasted until Sept. 28th, when the Constitution was reported to Congress.

The difficulties which met the convention were mainly the results of the division of the States into large and small States. Massachusetts, Connecticut, Virginia, North Carolina, and Georgia, the States which claimed to extend to the Mississippi on the west and cherished indefinite expectations of future growth, were the "large" States. They desired to give as much power as possible to the new national government, on condition that the government should be so framed that they should have control of it. The remaining States were properly "small" states, and desired to form a government which would leave as much power as possible to the States. Circumstances worked strongly in favor of a reasonable result. There never were more

than eleven States in the convention. Rhode Island, a small State, sent no delegates. The New Hampshire delegates did not appear until the New York delegates (except Hamilton) had lost patience and retired from the convention. Pennsylvania was usually neutral. The convention was thus composed of five large, five small, and one neutral State; and almost all its decisions were the outcome of judicious compromise.

The large States at first proposed a Congress in both of whose Houses the State representation should be proportional. They would thus have had a clear majority in both Houses, and, as Congress was to elect the President, and other officers, the government would thus have been a large State government. When "the little States gained their point," by forcing through the equal representation of the States in the Senate, the unsubstantial nature of the "national" pretensions of the large States at once became apparent. The opposition to the whole scheme centred in the large States, with

very considerable assistance from New York, which was not satisfied with the concessions which the small States had obtained in the convention. The difficulty of ratification may be estimated from the final votes in the following State conventions: Massachusetts, 187 to 168; New Hampshire, 57 to 46; Virginia, 89 to 79; and New York, 30 to 27. It should also be noted that the last two ratifications were only made after the ninth State (New Hampshire) had ratified, and when it was certain that the Constitution would go into effect with or without the ratification of Virginia or New York. North Carolina did not ratify until 1789, and Rhode Island not until 1790.

The division between North and South also appeared in the convention. In order to carry over the Southern States to the support of the final compromise, it was necessary to insert a guarantee of the slave trade for twenty years, and a provision that three fifths of the slaves should be counted in estimating the population for State representation in Congress. But these

provisions, so far as we can judge from the debates of the time, had no influence against the ratification of the Constitution; the struggle turned on the differences between the national leaders, aided by the satisfied small States, on one side, and the leaders of the State party, aided by the dissatisfied States, large and small, on the other. The former, the Federalists, were successful, though by very narrow majorities in several of the States. Washington was unanimously elected the first President of the Republic; and the new government was inaugurated at New York, March 4, 1789.

The speech of Henry in the Virginia House of Delegates has been chosen as perhaps the best representative of the spirit which impelled and guided the Revolution itself; and a part of the same orator's argument against the Constitution in the Virginia convention will show the manner in which the survival of the same spirit acted against the adoption of an efficient government. It is fortunate that the ablest of the national leaders was placed in the very focus of

opposition to the Constitution, so that we may take Hamilton's argument in the New York convention as the most carefully stated conclusion of the master-mind of the Federal party. To indicate the result the inaugural address of President Washington has been added.

PATRICK HENRY,

OF VIRGINIA

(BORN 1736, DIED 1799).

CONVENTION OF DELEGATES, MARCH 28, 1775.

MR. PRESIDENT:

No man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the House. But different men often see the same subject in different lights; and, therefore, I hope that it will not be thought disrespectful to those gentlemen, if, entertaining as I do, opinions of a character very opposite to theirs, I shall speak forth my sentiments freely and without reserve. This is no time for ceremony. The question before the House is one of awful moment to this country. For my own part I consider it as nothing less than a question of freedom or slavery; and in proportion to the magnitude of the subject ought to be the freedom of the debate. It is only in this way that

we can hope to arrive at truth, and fulfil the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time, through fear of giving offence, I should consider myself as guilty of treason toward my country, and of an act of disloyalty toward the majesty of heaven, which I revere above all earthly kings.

Mr. President, it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that syren, till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those who, having eyes, see not, and having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst and to provide for it.

I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging of the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years, to

justify those hopes with which gentlemen have been pleased to solace themselves and the House? Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with these warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled, that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation; the last arguments to which kings resort. I ask gentlemen, sir, what means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motives for it? Has Great Britain any enemy, in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us; they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British ministry have been so long forging. And what have we to

oppose to them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we any thing new to offer on the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves longer. Sir, we have done every thing that could be done, to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne. In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if

we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained, we must fight! I repeat it, sir, we must fight! An appeal to arms and to the God of Hosts is all that is left us!

They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance, by lying supinely on our backs, and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak, if we make a proper use of the means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides

over the destinies of nations; and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat, but in snbmission and slavery! Our chains are forged! Their clanking may be heard on the plains of Boston! The war is inevitable—and let it come! I repeat it, sir, let it come!

It is in vain, sir, to extenuate the matter. Gentlemen may cry peace, peace—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death!

PATRICK HENRY,

OF VIRGINIA.

ON THE EXPEDIENCY OF ADOPTING THE FEDERAL CONSTITUTION—CONVENTION OF VIRGINIA, JUNE 4, 1788.

MR. CHAIRMAN:

The public mind, as well as my own, is extremely uneasy at the proposed change of government. Give me leave to form one of the number of those who wish to be thoroughly acquainted with the reasons of this perilous and uneasy situation, and why we are brought hither to decide on this great national question. I consider myself as the servant of the people of this commonwealth, as a sentinel over their rights, liberty, and happiness. I represent their feelings when I say, that they are exceedingly uneasy, being brought from that state of full security, which they enjoy to the present delusive appearance of things. Before the meeting of the late Federal conven-

tion at Philadelphia, a general peace and an universal tranquillity prevailed in this country, and the minds of our citizens were at perfect repose; but since that period, they are exceedingly uneasy and disquieted. When I wished for an appointment to this convention, my mind was extremely agitated for the situation of public affairs. I conceive the republic to be in extreme danger. If our situation be thus uneasy, whence has arisen this fearful jeopardy? It arises from this fatal system; it arises from a proposal to change our government—a proposal that goes to the utter annihilation of the most solemn engagements of the States—a proposal of establishing nine States into a confederacy, to the eventual exclusion of four States. It goes to the annihilation of those solemn treaties we have formed with foreign nations. The present circumstances of France, the good offices rendered us by that kingdom, require our most faithful and most punctual adherence to our treaty with her. We are in alliance with the Spaniards, the Dutch, the Prussians; those treaties bound us as thirteen States, confederated together. Yet here is a proposal to sever that confederacy. Is it possible that we shall

abandon all our treaties and national engagements? And for what? I expected to have heard the reasons of an event so unexpected to my mind, and many others. Was our civil polity or public justice endangered or sapped? Was the real existence of the country threatened, or was this preceded by a mournful progression of events? This proposal of altering our Federal government is of a most alarming nature: make the best of this new government—say it is composed by any thing but inspiration—you ought to be extremely cautious, watchful, jealous of your liberty; for instead of securing your rights, you may lose them forever. If a wrong step be now made, the republic may be lost forever. If this new government will not come up to the expectation of the people, and they should be disappointed, their liberty will be lost, and tyranny must and will arise. I repeat it again, and beg, gentlemen, to consider, that a wrong step, made now, will plunge us into misery, and our republic will be lost. It will be necessary for this convention to have a faithful historical detail of the facts, that preceded the session of the Federal convention, and the reasons that actuated its members in proposing an entire al-

teration of government—and to demonstrate the dangers that awaited us. If they were of such awful magnitude, as to warrant a proposal so extremely perilous as this, I must assert, that this convention has an absolute right to a thorough discovery of every circumstance relative to this great event. And here I would make this inquiry of those worthy characters who composed a part of the late Federal convention. I am sure they were fully impressed with the necessity of forming a great consolidated government instead of a confederation. That this is a consolidated government is demonstrably clear; and the danger of such a government is, to my mind, very striking. I have the highest veneration for those gentlemen; but, sir, give me leave to demand, what right had they to say, "We, the People"? My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask, who authorized them to speak the language of, "We, the People," instead of We, the States? States are the characteristics and the soul of a confederation. If the States be not the agents of this compact, it must be one great consolidated national government of the people of all the States. I have the highest re-

spect for those gentlemen who formed the convention; and were some of them not here, I would express some testimonal of esteem for them. America had on a former occasion put the utmost confidence in them; a confidence which was well placed; and I am sure, sir, I would give up any thing to them; I would cheerfully confide in them as my representatives. But, sir, on this great occasion, I would demand the cause of their conduct. Even from that illustrious man who saved us by his valor, I would have a reason for his conduct; that liberty which he has given us by his valor tells me to ask this reason, and sure I am, were he here, he would give us that reason; but there are other gentlemen here who can give us this information. The people gave them no power to use their name. That they exceeded their power is perfectly clear. It is not mere curiosity that actuates me; I wish to hear the real, actual, existing danger, which should lead us to take those steps so dangerous in my conception. Disorders have arisen in other parts of America, but here, sir, no danger, no insurrection or tumult, has happened; every thing has been calm and tranquil. But notwithstanding this, we are wandering on the great ocean of

human affairs. I see no landmark to guide us. We are running we know not whither. Difference in opinion has gone to the degree of inflammatory resentment, in different parts of the country, which has been occasioned by this perilous innovation. The Federal convention ought to have amended the old system; for this purpose, they were solely delegated; the object of their mission extended to no other consideration. You must therefore forgive the solicitation of one unworthy member, to know what danger could have arisen under the present confederation, and what are the causes of this proposal to change our government.

ALEXANDER HAMILTON,

OF NEW YORK

(BORN 1757, DIED 1804).

ON THE EXPEDIENCY OF ADOPTING THE FEDERAL CONSTITUTION—CONVENTION OF NEW YORK, JUNE 24, 1788.

I AM persuaded, Mr. Chairman, that I in my turn shall be indulged, in addressing the committee. We all, in equal sincerity, profess to be anxious for the establishment of a republican government, on a safe and solid basis. It is the object of the wishes of every honest man in the United States, and I presume that I shall not be disbelieved, when I declare, that it is an object of all others, the nearest and most dear to my own heart. The means of accomplishing this great purpose become the most important study which can interest mankind. It is our duty to examine all those means with peculiar attention, and to choose the best and most effectual. It is our duty to draw from nature,

from reason, from examples, the best principles of policy, and to pursue and apply them in the formation of our government. We should contemplate and compare the systems, which, in this examination, come under our view; distinguish, with a careful eye, the defects and excellencies of each, and discarding the former, incorporate the latter, as far as circumstances will admit, into our Constitution. If we pursue a different course and neglect this duty, we shall probably disappoint the expectations of our country and of the world.

In the commencement of a revolution, which received its birth from the usurpations of tyranny, nothing was more natural, than that the public mind should be influenced by an extreme spirit of jealousy. To resist these encroachments, and to nourish this spirit, was the great object of all our public and private institutions. The zeal for liberty became predominant and excessive. In forming our confederation, this passion alone seemed to actuate us, and we appear to have had no other view than to secure ourselves from despotism. The object certainly was a valuable one, and deserved our utmost attention. But, sir, there is another object equally important, and which our

enthusiasm rendered us little capable of regarding: I mean a principle of strength and stability in the organization of our government, and vigor in its operations. This purpose can never be accomplished but by the establishment of some select body, formed peculiarly upon this principle. There are few positions more demonstrable than that there should be in every republic, some permanent body to correct the prejudices, check the intemperate passions, and regulate the fluctuations of a popular assembly. It is evident, that a body instituted for these purposes, must be so formed as to exclude as much as possible from its own character, those infirmities and that mutability which it is designed to remedy. It is therefore necessary that it should be small, that it should hold its authority during a considerable period, and that it should have such an independence in the exercise of its powers, as will divest it as much as possible of local prejudices. It should be so formed as to be the centre of political knowledge, to pursue always a steady line of conduct, and to reduce every irregular propensity to system. Without this establishment, we may make experiments without end, but shall never have an efficient government.

It is an unqestionable truth, that the body of the people in every country desire sincerely its prosperity; but it is equally unquestionable, that they do not possess the discernment and stability necessary for systematic government. To deny that they are frequently led into the grossest errors by misinformation and passion, would be a flattery which their own good sense must despise. That branch of administration especially, which involves our political relations with foreign states, a community will ever be incompetent to. These truths are not often held up in public assemblies: but they cannot be unknown to any who hear me. From these principles it follows, that there ought to be two distinct bodies in our government: one, which shall be immediately constituted by and peculiarly represent the people, and possess all the popular features; another, formed upon the principle, and for the purposes, before explained. Such considerations as these induced the convention who formed your State constitution, to institute a Senate upon the present plan. The history of ancient and modern republics had taught them, that many of the evils which these republics had suffered, arose from the want of a certain balance and mutual

control indispensable to a wise administration; they were convinced that popular assemblies are frequently misguided by ignorance, by sudden impulses, and the intrigues of ambitious men; and that some firm barrier against these operations was necessary; they, therefore, instituted your Senate, and the benefits we have experienced have fully justified their conceptions. * * *

Gentlemen, in their reasoning, have placed the interests of the several States, and those of the United States in contrast; this is not a fair view of the subject; they must necessarily be involved in each other. What we apprehend is, that some sinister prejudice, or some prevailing passion, may assume the form of a genuine interest. The influence of these is as powerful as the most permanent conviction of the public good; and against this influence we ought to provide. The local interests of a State ought in every case to give way to the interests of the Union; for when a sacrifice of one or the other is necessary, the former becomes only an apparent, partial interest, and should yield, on the principle that the small good ought never to oppose the great one. When you assemble from your several counties

in the Legislature, were every member to be guided only by the apparent interests of his county, government would be impracticable. There must be a perpetual accommodation and sacrifice of local advantages to general expediency; but the spirit of a mere popular assembly would rarely be actuated by this important principle. It is therefore absolutely necessary that the Senate should be so formed, as to be unbiassed by false conceptions of the real interests, or undue attachment to the apparent good of their several States.

Gentlemen indulge too many unreasonable apprehensions of danger to the State governments; they seem to suppose that the moment you put men into a national council, they become corrupt and tyrannical, and lose all their affection for their fellow-citizens. But can we imagine that the Senators will ever be so insensible of their own advantage, as to sacrifice the genuine interest of their constituents? The State governments are essentially necessary to the form and spirit of the general system. As long, therefore, as Congress has a full conviction of this necessity, they must, even upon principles purely national, have as firm an attachment to the one as to the other. This

conviction can never leave them, unless they become madmen. While the constitution continues to be read, and its principle known, the States must, by every rational man, be considered as essential, component parts of The Union; and therefore the idea of sacrificing the former to the latter is wholly inadmissible.

The objectors do not advert to the natural strength and resources of State governments, which will ever give them an important superiority over the general government. If we compare the nature of their different powers, or the means of popular influence which each possesses, we shall find the advantage entirely on the side of the States. This consideration, important as it is, seems to have been little attended to. The aggregate number of representatives throughout the States may be two thousand. Their personal influence will, therefore, be proportionably more extensive than that of one or two hundred men in Congress. The State establishments of civil and military officers of every description, infinitely surpassing in number any possible correspondent establishments in the general government, will create such an extent and complication of attachments, as will ever secure the predilection

and support of the people. Whenever, therefore, Congress shall meditate any infringement of the State constitutions, the great body of the people will naturally take part with their domestic representatives. Can the general government withstand such an united opposition? Will the people suffer themselves to be stripped of their privileges? Will they suffer their Legislatures to be reduced to a shadow and a name? The idea is shocking to common-sense.

From the circumstances already explained, and many others which might be mentioned, results a complicated, irresistible check, which must ever support the existence and importance of the State governments. The danger, if any exists, flows from an opposite source. The probable evil is, that the general government will be too dependent on the State Legislatures, too much governed by their prejudices, and too obsequious to their humors; that the States, with every power in their hands, will make encroachments on the national authority, till the Union is weakened and dissolved.

Every member must have been struck with an observation of a gentleman from Albany. Do what you will, says he, local predjudices and opinions will go into the government.

What! shall we then form a constitution to cherish and strengthen these prejudices? Shall we confirm the distemper, instead of remedying it. It is undeniable that there must be a control somewhere. Either the general interest is to control the particular interests, or the contrary. If the former, then certainly the government ought to be so framed, as to render the power of control efficient to all intents and purposes; if the latter, a striking absurdity follows; the controlling powers must be as numerous as the varying interests, and the operations of the government must therefore cease; for the moment you accommodate these different interests, which is the only way to set the government in motion, you establish a controlling power. Thus, whatever constitutional provisions are made to the contrary, every government will be at last driven to the necessity of subjecting the partial to the universal interest. The gentlemen ought always, in their reasoning, to distinguish between the real, genuine good of a State, and the opinions and prejudices which may prevail respecting it; the latter may be opposed to the general good, and consequently ought to be sacrificed; the former is so involved in it, that it never can be sacrificed.

There are certain social principles in human nature from which we may draw the most solid conclusions with respect to the conduct of individuals and of communities. We love our families more than our neighbors; we love our neighbors more than our countrymen in general. The human affections, like the solar heat, lose their intensity as they depart from the centre, and become languid in proportion to the expansion of the circle on which they act. On these principles, the attachment of the individual will be first and forever secured by the State governments; they will be a mutual protection and support. Another source of influence, which has already been pointed out, is the various official connections in the States. Gentlemen endeavor to evade the force of this by saying that these offices will be insignificant. This is by no means true. The State officers will ever be important, because they are necessary and useful. Their powers are such as are extremely interesting to the people; such as affect their property, their liberty, and life. What is more important than the administration of justice and the execution of the civil and criminal laws? Can the State governments become insignificant while they have

the power of raising money independently and without control? If they are really useful; if they are calculated to promote the essential interests of the people; they must have their confidence and support. The States can never lose their powers till the whole people of America are robbed of their liberties. These must go together; they must support each other, or meet one common fate. On the gentleman's principle, we may safely trust the State governments, though we have no means of resisting them; but we cannot confide in the national government, though we have an effectual constitutional guard against every encroachment. This is the essence of their argument, and it is false and fallacious beyond conception.

With regard to the jurisdiction of the two governments, I shall certainly admit that the Constitution ought to be so formed as not to prevent the States from providing for their own existence; and I maintain that it is so formed; and that their power of providing for themselves is sufficiently established. This is conceded by one gentleman, and in the next breath the concession is retracted. He says Congress has but one exclusive right in taxa-

tion—that of duties on imports; certainly, then, their other powers are only concurrent. But to take off the force of this obvious conclusion, he immediately says that the laws of the United States are supreme; and that where there is one supreme there cannot be a concurrent authority; and further, that where the laws of the Union are supreme, those of the States must be subordinate; because there cannot be two supremes. This is curious sophistry. That two supreme powers cannot act together is false. They are inconsistent only when they are aimed at each other or at one indivisible object. The laws of the United States are supreme, as to all their proper, constitutional objects; the laws of the States are supreme in the same way. These supreme laws may act on different objects without clashing; or they may operate on different parts of the same common object with perfect harmony. Suppose both governments should lay a tax of a penny on a certain article; has not each an independent and uncontrollable power to collect its own tax? The meaning of the maxim, there cannot be two supremes, is simply this—two powers cannot be supreme over each other. This meaning is entirely perverted by the gen-

tlemen. But, it is said, disputes between collectors are to be referred to the federal courts. This is again wandering in the field of conjecture. But suppose the fact is certain; is it not to be presumed that they will express the true meaning of the Constitution and the laws? Will they not be bound to consider the concurrent jurisdiction; to declare that both the taxes shall have equal operation; that both the powers, in that respect, are sovereign and co-extensive? If they transgress their duty, we are to hope that they will be punished. Sir, we can reason from probabilities alone. When we leave common-sense, and give ourselves up to conjecture, there can be no certainty, no security in our reasonings.

I imagine I have stated to the committee abundant reasons to prove the entire safety of the State governments and of the people. I would go into a more minute consideration of the nature of the concurrent jurisdiction, and the operation of the laws in relation to revenue; but at present I feel too much indisposed to proceed. I shall, with leave of the committee, improve another opportunity of expressing to them more fully my ideas on this point. I wish the committee to remember that the Con-

stitution under examination is framed upon truly republican principles; and that, as it is expressly designed to provide for the common protection and the general welfare of the United States, it must be utterly repugnant to this Constitution to subvert the State governments or oppress the people.

GEORGE WASHINGTON,

OF VIRGINIA.

(BORN 1732, DIED 1799).

INAUGURAL ADDRESS AS PRESIDENT OF THE UNITED STATES. NEW YORK CITY, APRIL 30, 1789.

Fellow-citizens of the Senate, and of the House of Representatives.—Among the vicissitudes incident to life, no event could have filled me with greater anxieties, than that of which the notification was transmitted by your order, and received on the fourteenth day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and in my flattering hopes with an immutable decision as the asylum of my declining years; a retreat which was rendered every day more necessary, as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste

committed on it by time. On the other hand, the magnitude and difficulty of the trust, to which the voice of my country called me, being sufficient to waken in the wisest and most experienced of her citizens a distrustful scrutiny into his own qualifications, could not but overwhelm with despondence one, who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver, is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is, that if, in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me, my error will be palliated by the motives which misled me, and its consequences be judged by my country, with some share of the partiality in which they originated.

Such being the impression under which I

have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit in this first official act, my fervent supplications to that Almighty Being who rules over the universe—who presides in the councils of nations—and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States, a government instituted by themselves for these essential purposes; and may enable every instrument, employed in its administration, to execute with success, the functions allotted to his charge. In tendering this homage to the great author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow-citizens at large, less than either. No people can be bound to acknowledge and adore the invisible hand, which conducts the affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency; and in the important revolution just accomplished in the system of their united gov-

ernment, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude along with an humble anticipation of the future blessings which the past seems to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciouly commence.

By the article establishing the executive department, it is made the duty of the President "to recommend to your consideration, such measures as he shall judge necessary and expedient." The circumstances under which I now meet you will acquit me from entering into that subject, further than to refer to the great constitutional charter under which you are assembled; and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial

with the feelings which actuate me, to substitute in place of a recommendation of particular measures the tribute that is due to the talents, the rectitude, and the patriotism which adorn the characters selected to devise and adopt them. In these honorable qualifications, I behold the surest pledges, that as, on one side, no local prejudices or attachments, no separate views, nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests; so on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality; and the preëminence of free government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire; since there is no truth more thoroughly established, than that there exists in the economy and course of nature, an indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity; since we ought

to be no less persuaded, that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained; and since the preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered as deeply, perhaps as finally staked, on the experiment entrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide, how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient at the present juncture by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good; for I assure myself that whilst you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future lessons of experience; a rev-

erence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question how far the former may be more impregnably fortified, or the latter be safely and advantageously promoted.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it I must decline, as inapplicable to myself, any share in the personal emoluments, which may be indispensably included in a permanent provision for the executive department; and must accordingly pray that the pecuniary estimates for the station in which I am placed, may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the human race, in humble supplication, that since He has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union, and the advancement of their happiness; so His divine blessings may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this government must depend.

II.

CONSTITUTIONAL GOVERNMENT.

II.

CONSTITUTIONAL GOVERNMENT.

CONSTITUTIONAL government in the United States began, in its national phase, with the inauguration of Washington, but the experiment was for a long time a doubtful one. Of the two parties, the federal and the anti-federal parties, which had faced one another on the question of the adoption of the Constitution, the latter had disappeared. Its conspicuous failure to achieve the fundamental object of its existence, and the evident hopelessnesss of reversing its failure in future, blotted it out of existence. There was left but one party, the federal party; and it, strong as it appeared, was really in almost as precarious a position as its former opponent, because of the very completeness of its success in achieving its fundamental object. Hamilton and Jefferson, two

of its representative members, were opposed in almost all the political instincts of their natures; the former chose the restraints of strong government as instinctively as the latter clung to individualism. They had been accidentally united for the time in desiring the adoption of the Constitution, though Hamilton considered it only a temporary shift for something stronger, while Jefferson wished for a bill of rights to weaken the force of some of its implications. Now that the Constitution was ratified, what tie was there to hold these two to any united action for the future? Nothing but a shadow—the name of a party not yet two years old. As soon, therefore, as the federal party fairly entered upon a secure tenure of power, the divergent instincts of the two classes represented by Hamilton and Jefferson began to show themselves more distinctly until there was no longer any pretence of party unity, and the democratic (or republican) party assumed its place, in 1792–3, as the recognized opponent of the party in power. It would be beside the purpose to

attempt to enumerate the points in which the natural antagonism of the federalists and the republicans came to the surface during the decade of contest which ended in the downfall of the federal party in 1800–1. In all of them, in the struggles over the establishment of the Bank of the United States and the assumption of the State debts, in the respective sympathy for France and Great Britain, in the strong federalist legislation forced through during the war feeling against France in 1798, the controlling sympathy of the republicans for individualism and of the federalists for a strong national government is constantly visible, if looked for. The difficulty is that these permanent features are often so obscured by the temporary media in which they appear that the republicans are likely to be taken as a merely State-rights party, and the federalists as a merely commercial party.

To adopt either of these notions would be to take a very erroneous idea of American political history. The whole policy of the republi-

cans was to forward the freedom of the individual; their leader seems to have made all other points subordinate to this. There is hardly any point in which the action of the individual American has been freed from governmental restraints, from ecclesiastical government, from sumptuary laws, from restrictions on suffrage, from restrictions on commerce, production, and exchange, for which he is not indebted in some measure to the work and teaching of Jefferson between the years of 1790 and 1800. He and his party found the States in existence, understood well that they were convenient shields for the individual against the possible powers of the new federal government for evil, and made use of them. The State sovereignty of Jefferson was the product of individualism; that of Calhoun was the product of sectionalism.

On the other hand, if Jeffersonian democracy was the representative of all the individualistic tendencies of the later science of political economy, Hamiltonian federalism represented the

necessary corrective force of law. It was in many respects a strong survival of colonialism. Together with some of the evil features of colonialism, its imperative demands for submission to class government, its respect for the interests and desires of the few, and its contempt for those of the many, it had brought into American constitutional life a very high ratio of that respect for law which alone can render the happiness and usefulness of the individual a permanent and secure possession. It was impossible for federalism to resist the individualistic tendency of the country for any length of time; it is the monument of the party that it secured, before it fell, abiding guaranties for the security of the individual under freedom.

The genius of the federalists was largely practical. It was shown in their masterly organization of the federal government when it was first entrusted to their hands, an organization which has since been rather developed than disturbed in any of its parts. But the details

of the work absorbed the attention of the leaders so completely that it would be impossible to fix on any public address as entirely representative of the party. Fisher Ames' speech on the Jay treaty, which was considered by the federalists the most effective piece of oratory in their party history, has been taken as a substitute. The question was to the federalists partly of commercial and partly of national importance. John Jay had secured the first commercial treaty with Great Britain in 1795. It not only provided for the security of American commerce during the European wars to which Great Britain was a party, and obtained the surrender of the military posts in the present States of Ohio and Michigan; it also gave the United States a standing in the family of nations which it was difficult to claim elsewhere while Great Britain continued to refuse to treat on terms of equality. The Senate therefore ratified the treaty, and it was constitutionally complete. The democratic majority in the House of Representatives, ob-

jecting to the treaty as a surrender of previous engagements with France, and as a failure to secure the rights of individuals against Great Britain, particularly in the matter of impressment, raised the point that the House was not bound to vote money for carrying into effect a treaty with which it was seriously dissatisfied. The reply of Ames is a forcible presentation of both the national and the commercial aspects of his party; it had a very great influence in securing, though by a very narrow majority, the vote of the House in favor of the appropriation.

There is an equally great difficulty in fixing on any completely representative oration from the republican point of view, and the difficulty is aggravated by the lack of great orators among the republicans. The selection of Nicholas' argument for the repeal of the sedition law has been made for several reasons. It shows the instinctive sympathy of the party for the individual rather than for the government. It shows the force with which this sympathy drove

the party into a strict construction of the Constitution. It seems also to bear the strongest internal indications that it was inspired, if not entirely written, by the great leader of the party, Jefferson. The federalists had used the popular war feeling against France in 1798, not only to press the formation of an army and a navy and the abrogation of the old and troublesome treaties with France, but to pass the alien and sedition laws as well. The former empowered the President to expel from the country or imprison any alien whom he should consider dangerous to the peace and safety of the United States. The latter forbade, under penalty of fine and imprisonment, the printing or publishing of any "false, scandalous, or malicious writings" calculated to bring the Government, Congress, or the President into disrepute, or to excite against them the hatred of the good people of the United States, or to stir up sedition. It was inevitable that the republicans should oppose such laws, and that the people should support them in their oppo-

sition. At the election of 1800, the federal party was overthrown, and the lost ground was never regained. With Jefferson's election to the presidency, began the democratic period of the United States; but it has always been colored strongly and naturally by the federal bias toward law and order.

FISHER AMES,

OF MASSACHUSETTS.

(BORN 1758, DIED 1808.)

ON THE BRITISH TREATY, HOUSE OF REPRESENTATIVES, APRIL 28, 1796.

IT would be strange, that a subject, which has aroused in turn all the passions of the country, should be discussed without the interference of any of our own. We are men, and therefore not exempt from those passions; as citizens and representatives, we feel the interests that must excite them. The hazard of great interests cannot fail to agitate strong passions. We are not disinterested; it is impossible we should be dispassionate. The warmth of such feelings may becloud the judgment, and, for a time, pervert the understanding. But the public sensibility, and our own, has sharpened the spirit of inquiry, and given an animation to the debate. The public attention has been quickened to mark the progress of the

discussion, and its judgment, often hasty and erroneous on first impressions, has become solid and enlightened at last. Our result will, I hope, on that account, be safer and more mature, as well as more accordant with that of the nation. The only constant agents in political affairs are the passions of men. Shall we complain of our nature—shall we say that man ought to have been made otherwise? It is right already, because He, from whom we derive our nature, ordained it so; and because thus made and thus acting, the cause of truth and the public good is more surely promoted. * * *

The treaty is bad, fatally bad, is the cry. It sacrifices the interest, the honor, the independence of the United States, and the faith of our engagements to France. If we listen to the clamor of party intemperance, the evils are of a number not to be counted, and of a nature not to be borne, even in idea. The language of passion and exaggeration may silence that of sober reason in other places, it has not done it here. The question here is, whether the treaty be really so very fatal as to oblige the nation to break its faith. I admit that such a treaty ought not to be executed. I admit that self-

preservation is the first law of society, as well as of individuals. It would, perhaps, be deemed an abuse of terms to call that a treaty, which violates such a principle. I waive also, for the present, any inquiry, what departments shall represent the nation, and annul the stipulations of a treaty. I content myself with pursuing the inquiry, whether the nature of this compact be such as to justify our refusal to carry it into effect. A treaty is the promise of a nation. Now, promises do not always bind him that makes them. But I lay down two rules, which ought to guide us in this case. The treaty must appear to be bad, not merely in the petty details, but in its character, principle, and mass. And in the next place, this ought to be ascertained by the decided and general concurrence of the enlightened public.

I confess there seems to be something very like ridicule thrown over the debate by the discussion of the articles in detail. The undecided point is, shall we break our faith? And while our country and enlightened Europe, await the issue with more than curiosity, we are employed to gather piecemeal, and article by article, from the instrument, a justification for the deed by trivial calculations of commer-

cial profit and loss. This is little worthy of the subject, of this body, or of the nation. If the treaty is bad, it will appear to be so in its mass. Evil to a fatal extreme, if that be its tendency, requires no proof; it brings it. Extremes speak for themselves and make their own law. What if the direct voyage of American ships to Jamaica with horses or lumber, might net one or two *per centum* more than the present trade to Surinam; would the proof of the fact avail any thing in so grave a question as the violation of the public engagements? * * *

Why do they complain, that the West Indies are not laid open? Why do they lament, that any restriction is stipulated on the commerce of the East Indies? Why do they pretend, that if they reject this, and insist upon more, more will be accomplished? Let us be explicit —more would not satisfy. If all was granted, would not a treaty of amity with Great Britain still be obnoxious? Have we not this instant heard it urged against our envoy, that he was not ardent enough in his hatred of Great Britain? A treaty of amity is condemned because it was not made by a foe, and in the spirit of one. The same gentleman, at the same instant, repeats a very prevailing objec-

tion, that no treaty should be made with the enemy of France. No treaty, exclaim others, should be made with a monarch or a despot; there will be no naval security while those sea-robbers domineer on the ocean; their den must be destroyed; that nation must be extirpated.

I like this, sir, because it is sincerity. With feelings such as these, we do not pant for treaties. Such passions seek nothing, and will be content with nothing, but the destruction of their object. If a treaty left King George his island, it would not answer; not if he stipulated to pay rent for it. It has been said, the world ought to rejoice if Britain was sunk in the sea; if where there are now men and wealth and laws and liberty, there was no more than a sand bank for sea monsters to fatten on; a space for the storms of the ocean to mingle in conflict. * * *

What is patriotism? Is it a narrow affection for the spot where a man was born? Are the very clods where we tread entitled to this ardent preference because they are greener? No, sir, this is not the character of the virtue, and it soars higher for its object. It is an extended self-love, mingling with all the enjoyments of life, and twisting itself with the minutest filaments of the heart. It is thus we obey

the laws of society, because they are the laws of virtue. In their authority we see, not the array of force and terror, but the venerable image of our country's honor. Every good citizen makes that honor his own, and cherishes it not only as precious, but as sacred. He is willing to risk his life in its defence, and is conscious that he gains protection while he gives it. For, what rights of a citizen will be deemed inviolable when a state renounces the principles that constitute their security? Or if his life should not be invaded, what would its enjoyments be in a country odious in the eyes of strangers and dishonored in his own? Could he look with affection and veneration to such a country as his parent? The sense of having one would die within him; he would blush for his patriotism, if he retained any, and justly, for it would be a vice. He would be a banished man in his native land. I see no exception to the respect that is paid among nations to the law of good faith. If there are cases in this enlightened period when it is violated, there are none when it is decried. It is the philosophy of politics, the religion of governments. It is observed by barbarians—a whiff of tobacco smoke, or a string of beads, gives not merely

binding force but sanctity to treaties. Even in Algiers, a truce may be bought for money, but when ratified, even Algiers is too wise, or too just, to disown and annul its obligation. Thus we see, neither the ignorance of savages, nor the principles of an association for piracy and rapine, permit a nation to despise its engagements. If, sir, there could be a resurrection from the foot of the gallows, if the victims of justice could live again, collect together and form a society, they would, however loath, soon find themselves obliged to make justice, that justice under which they fell, the fundamental law of their state. They would perceive, it was their interest to make others respect, and they would therefore soon pay some respect themselves, to the obligations of good faith.

It is painful, I hope it is superfluous, to make even the supposition, that America should furnish the occasion of this opprobrium. No, let me not even imagine, that a republican government, sprung, as our own is, from a people enlightened and uncorrupted, a government whose origin is right, and whose daily discipline is duty, can, upon solemn debate, make its option to be faithless—can dare to act what

despots dare not avow, what our own example evinces, the states of Barbary are unsuspected of. No, let me rather make the supposition, that Great Britain refuses to execute the treaty, after we have done every thing to carry it into effect. Is there any language of reproach pungent enough to express your commentary on the fact? What would you say, or rather what would you not say? Would you not tell them, wherever an Englishman might travel, shame would stick to him—he would disown his country. You would exclaim, England, proud of your wealth, and arrogant in the possession of power—blush for these distinctions, which become the vehicles of your dishonor. Such a nation might truly say to corruption, thou art my father, and to the worm, thou art my mother and my sister. We should say of such a race of men, their name is a heavier burden than their debt. * * *

The refusal of the posts (inevitable if we reject the treaty) is a measure too decisive in its nature to be neutral in its consequences. From great causes we are to look for great effects. A plain and obvious one will be, the price of the Western lands will fall. Settlers will not choose to fix their habitation on a field

of battle. Those who talk so much of the interest of the United States, should calculate how deeply it will be affected by rejecting the treaty; how vast a tract of wild land will almost cease to be property. This loss, let it be observed, will fall upon a fund expressly devoted to sink the national debt. What then are we called upon to do? However the form of the vote and the protestations of many may disguise the proceeding, our resolution is in substance, and it deserves to wear the title of a resolution to prevent the sale of the Western lands and the discharge of the public debt.

Will the tendency to Indian hostilities be contested by any one? Experience gives the answer. The frontiers were scourged with war till the negotiation with Great Britain was far advanced, and then the state of hostility ceased. Perhaps the public agents of both nations are innocent of fomenting the Indian war, and perhaps they are not. We ought not, however, to expect that neighboring nations, highly irritated against each other, will neglect the friendship of the savages; the traders will gain an influence and will abuse it; and who is ignorant that their passions are easily raised, and hardly restrained from violence? Their situation will oblige them

to choose between this country and Great Britain, in case the treaty should be rejected. They will not be our friends, and at the same time the friends of our enemies.

But am I reduced to the necesity of proving this point? Certainly the very men who charged the Indian war on the detention of the posts, will call for no other proof than the recital of their own speeches. It is remembered with what emphasis, with what acrimony, they expatiated on the burden of taxes, and the drain of blood and treasure into the Western country, in consequence of Britain's holding the posts. Until the posts are restored, they exclaimed, the treasury and the frontiers must bleed.

If any, against all these proofs, should maintain that the peace with the Indians will be stable without the posts, to them I urge another reply. From arguments calculated to produce conviction, I will appeal directly to the hearts of those who hear me, and ask, whether it is not already planted there? I resort especially to the convictions of the Western gentlemen, whether supposing no posts and no treaty, the settlers will remain in security? Can they take it upon them to say, that an Indian peace, under these circumstances, will prove firm? No, sir,

it will not be peace, but a sword; it will be no better than a lure to draw victims within the reach of the tomahawk.

On this theme my emotions are unutterable. If I could find words for them, if my powers bore any proportion to my zeal, I would swell my voice to such a note of remonstrance, it should reach every log-house beyond the mountains. I would say to the inhabitants, wake from your false security; your cruel dangers, your more cruel apprehensions are soon to be renewed; the wounds, yet unhealed, are to be torn open again; in the daytime, your path through the woods will be ambushed; the darkness of midnight will glitter with the blaze of your dwellings. You are a father—the blood of your sons shall fatten your cornfield; you are a mother—the war-whoop shall wake the sleep of the cradle.

On this subject you need not suspect any deception on your feelings. It is a spectacle of horror, which cannot be overdrawn. If you have nature in your hearts, it will speak a language, compared with which all I have said or can say will be poor and frigid.

Will it be whispered that the treaty has made me a new champion for the protection of

the frontiers? It is known that my voice as well as vote have been uniformly given in conformity with the ideas I have expressed. Protection is the right of the frontiers; it is our duty to give it.

Who will accuse me of wandering out of the subject? Who will say that I exaggerate the tendencies of our measures? Will any one answer by a sneer, that all this is idle preaching? Will any one deny, that we are bound, and I would hope to good purpose, by the most solemn sanctions of duty for the vote we give? Are despots alone to be reproached for unfeeling indifference to the tears and blood of their subjects? Have the principles on which you ground the reproach upon cabinets and kings no practical influence, no binding force? Are they merely themes of idle declamation introduced to decorate the morality of a newspaper essay, or to furnish petty topics of harangue from the windows of that state-house? I trust it is neither too presumptuous nor too late to ask. Can you put the dearest interest of society at risk without guilt and without remorse.

It is vain to offer as an excuse, that public men are not to be reproached for the evils that may happen to ensue from their measures.

This is very true where they are unforeseen or inevitable. Those I have depicted are not unforeseen; they are so far from inevitable, we are going to bring them into being by our vote. We choose the consequences, and become as justly answerable for them as for the measures that we know will produce them.

By rejecting the posts we light the savage fires—we bind the victims. This day we undertake to render account to the widows and orphans whom our decision will make, to the wretches that will be roasted at the stake, to our country, and I do not deem it too serious to say, to conscience and to God. We are answerable, and if duty be any thing more than a word of imposture, if conscience be not a bugbear, we are preparing to make ourselves as wretched as our country.

There is no mistake in this case—there can be none. Experience has already been the prophet of events, and the cries of future victims have already reached us. The Western inhabitants are not a silent and uncomplaining sacrifice. The voice of humanity issues from the shade of their wilderness. It exclaims that, while one hand is held up to reject this treaty, the other grasps a tomahawk. It summons

our imagination to the scenes that will open. It is no great effort of the imagination to conceive that events so near are already begun. I can fancy that I listen to the yells of savage vengeance, and the shrieks of torture. Already they seem to sigh in the west wind—already they mingle with every echo from the mountains.

It is not the part of prudence to be inattentive to the tendencies of measures. Where there is any ground to fear that these will prove pernicious, wisdom and duty forbid that we should underrate them. If we reject the treaty, will our peace be as safe as if we executed it with good faith? I do honor to the intrepid spirits of those who say it will. It was formerly understood to constitute the excellence of a man's faith to believe without evidence and against it.

But, as opinions on this article are changed, and we are called to act for our country, it becomes us to explore the dangers that will attend its peace, and to avoid them if we can. * * *

Is there any thing in the prospect of the interior state of the country to encourage us to aggravate the dangers of a war? Would not the shock of that evil produce another, and

shake down the feeble and then unbraced structure of our government? Is this a chimera? Is it going off the ground of matter of fact to say, the rejection of the appropriation proceeds upon the doctrine of a civil war of the departments? Two branches have ratified a treaty, and we are going to set it aside. How is this disorder in the machine to be rectified? While it exists its movements must stop, and when we talk of a remedy, is that any other than the formidable one of a revolutionary one of the people? And is this, in the judgment even of my opposers, to execute, to preserve the constitution and the public order? Is this the state of hazard, if not of convulsion, which they can have the courage to contemplate and to brave, or beyond which their penetration can reach and see the issue? They seem to believe, and they act as if they believed, that our union, our peace, our liberty, are invulnerable and immortal—as if our happy state was not to be disturbed by our dissentions, and that we are not capable of falling from it by our unworthiness. Some of them have, no doubt, better nerves and better discernment than mine. They can see the bright aspects and the happy consequences of all this

array of horrors. They can see intestine discords, our government disorganized, our wrongs aggravated, multiplied, and unredressed, peace with dishonor, or war without justice, union, or resources, in "the calm lights of mild philosophy."

But whatever they may anticipate as the next measure of prudence and safety, they have explained nothing to the house. After rejecting the treaty, what is to be the next step? They must have foreseen what ought to be done; they have doubtless resolved what to propose. Why then are they silent? Dare they not avow their plan of conduct, or do they wait till our progress toward confusion shall guide them in forming it?

Let me cheer the mind, weary, no doubt, and ready to despond on this prospect, by presenting another, which it is yet in our power to realize. Is it possible for a real American to look at the prosperity of this country without some desire for its continuance—without some respect for the measures which, many will say, produced, and all will confess, have preserved, it? Will he not feel some dread that a change of system will reverse the scene? The well-grounded fears of our citizens in 1794 were re-

moved by the treaty, but are not forgotten. Then they deemed war nearly inevitable, and would not this adjustment have been considered, at that day, as a happy escape from the calamity? The great interest and the general desire of our people, was to enjoy the advantages of neutrality. This instrument, however misrepresented, affords America that inestimable security. The causes of our disputes are either cut up by the roots, or referred to a new negotiation after the end of the European war. This was gaining every thing, because it confirmed our neutrality, by which our citizens are gaining every thing. This alone would justify the engagements of the government. For, when the fiery vapors of the war lowered in the skirts of our horizon, all our wishes were concentred in this one, that we might escape the desolation of the storm. This treaty, like a rainbow on the edge of the cloud, marked to our eyes the space where it was raging, and afforded, at the same time, the sure prognostic of fair weather. If we reject it, the vivid colors will grow pale,—it will be a baleful meteor portending tempest and war.

Let us not hesitate, then, to agree to the appropriation to carry it into faithful execution

Thus we shall save the faith of our nation, secure its peace, and diffuse the spirit of confidence and enterprise that will augment its prosperity. The progress of wealth and improvement is wonderful, and, some will think, too rapid. The field for exertion is fruitful and vast, and if peace and good government should be preserved, the acquisitions of our citizens are not so pleasing as the proofs of their industry—as the instruments of their future success. The rewards of exertion go to augment its power. Profit is every hour becoming capital. The vast crop of our neutrality is all seed-wheat, and is sown again to swell, almost beyond calculation, the future harvest of prosperity. And in this progress, what seems to be fiction is found to fall short of experience.

I rose to speak under impressions that I would have resisted if I could. Those who see me will believe that the reduced state of my health has unfitted me, almost equally for much exertion of body or mind. Unprepared for debate, by careful reflection in my retirement, or by long attention here, I thought the resolution I had taken to sit silent, was imposed by necesity, and would cost me no effort to maintain. With a mind thus vacant of ideas,

and sinking, as I really am, under a sense of weakness, I imagined the very desire of speaking was extinguished by the persuasion that I had nothing to say. Yet, when I come to the moment of deciding the vote, I start back with dread from the edge of the pit into which we are plunging. In my view, even the minutes I have spent in expostulation have their value, because they protract the crisis, and the short period in which alone we may resolve to escape it.

I have thus been led, by my feelings, to speak more at length than I intended. Yet I have, perhaps, as little personal interest in the event as any one here. There is, I believe, no member who will not think his chance to be a witness of the consequences greater than mine. If, however, the vote shall pass to reject, and a spirit should rise, as it will, with the public disorders, to make confusion worse confounded, even I, slender and almost broken as my hold upon life is, may outlive the government and constitution of my country.

JOHN NICHOLAS,

OF VIRGINIA.

(BORN 1763, DIED 1819.)

ON THE PROPOSED REPEAL OF THE SEDITION LAW—HOUSE OF REPRESENTATIVES, FEB. 25, 1799.

MR. CHAIRMAN :

The Select Committee had very truly stated that only the second and third sections of the act are complained of; that the part of the law which punishes seditious acts is acquiesced in, and that the part which goes to restrain what are called seditious writings is alone the object of the petitions. This part of the law is complained of as being unwarranted by the Constitution, and destructive of the first principles of republican government. It is always justifiable, in examining the principle of a law, to inquire what other laws can be passed with equal reason, and to impute to it all the mischiefs for which it may be used as a precedent.

In this case, little inquiry is left for us to make, the arguments in favor of the law carrying us immediately and by inevitable consequence to absolute power over the press.

It is not pretended that the Constitution has given any express authority, which they claim, for passing this law, and it is claimed only as implied in that clause of the Constitution which says: "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." It is clear that this clause was intended to be merely an auxiliary to the powers specially enumerated in the Constitution; and it must, therefore, be so construed as to aid them, and at the same time to leave the boundaries between the General Government and the State governments untouched. The argument by which the Select Committee have endeavored to establish the authority of Congress over the press is the following: "Congress has power to punish seditious combinations to resist the laws, and therefore Congress must have the power to punish false, scandalous, and malicious writings; be-

cause such writings render the Administration odious and contemptible among the people, and by doing so have a tendency to produce opposition to the laws." To make it support the construction of the committee, it should say that "Congress shall have power over all acts which are likely to produce acts which hinder the execution of," etc. Our construction confines the power of Congress to such acts as immediately interfere with the execution of the enumerated powers of Congress, because the power can only be necessary as well as proper when the acts would really hinder the execution. The construction of the committee extends the power of Congress to all acts which have a relation, ever so many degrees removed, to the enumerated powers, or rather to the acts which would hinder their execution. By our construction, the Constitution remains defined and limited, according to the plain intent and meaning of its framers; by the construction of the committee, all limitation is lost, and it may be extended over the different actions of life as speculative politicians may think fit. What has a greater tendency to fit men for insurrection and resistance to government than dissolute, immoral habits, at once destroying love of

order, and dissipating the fortune which gives an interest in society? The doctrine that Congress can punish any act which has a tendency to hinder the execution of the laws, as well as acts which do hinder it, will, therefore, clearly entitle them to assume a general guardianship over the morals of the people of the United States. Again, nothing can have a greater tendency to ensure obedience to law, and nothing can be more likely to check every propensity to resistance to government, than virtuous and wise education; therefore Congress must have power to subject all the youth of the United States to a certain system of education. It would be very easy to connect every sort of authority used by any government with the well-being of the General Government, and with as much reason as the committee had for their opinion, to assign the power to Congress, although the consequence must be the prostration of the State governments.

But enough has been said to show the necessity of adhering to the common meaning of the word "necessary" in the clause under consideration, which is, that the power to be assumed must be one without which some one of the enumerated powers cannot exist or be main-

tained. It cannot escape notice, however, that the doctrine contended for, that the Administration must be protected against writings which are likely to bring it into contempt, as tending to opposition, will apply with more force to truth than falsehood. It cannot be denied that the discovery of maladministration will bring more lasting discredit on the government of a country than the same charges would if untrue. This is not an alarm founded merely on construction, for the governments which have exercised control over the press have carried it the whole length. This is notoriously the law of England, whence this system has been drawn; for there truth and falsehood are alike subject to punishment, if the publication brings contempt on the officers of government. * * *

The law has been current by the fair pretence of punishing nothing but falsehood, and by holding out to the accused the liberty of proving the truth of the writing; but it was from the first apprehended, and it seems now to be adjudged (the doctrine has certainly been asserted on this floor), that matters of opinion, arising on notorious facts, come under the law. If this is the case, where is the advantage of

the law requiring that the writing should be false before a man shall be liable to punishment, or of his having the liberty of proving the truth of his writing? Of the truth of facts there is an almost certain test; the belief of honest men is certain enough to entitle it to great confidence; but their opinions have no certainty at all. The trial of the truth of opinions, in the best state of society, would be altogether precarious; and perhaps a jury of twelve men could never be found to agree in any one opinion. At the present moment, when, unfortunately, opinion is almost entirely governed by prejudice and passion, it may be more decided, but nobody will say it is more respectable. Chance must determine whether political opinions are true or false, and it will not unfrequently happen that a man will be punished for publishing opinions which are sincerely his, and which are of a nature to be extremely interesting to the public, merely because accident or design has collected a jury of different sentiments. * * *

Is the power claimed proper for Congress to possess? It is believed not, and this will readily be admitted if it can be proved, as I think it can, that the persons who administer the gov-

ernment have an interest in the power to be confided opposed to that of the community. It must be agreed that the nature of our government makes a diffusion of knowledge of public affairs necessary and proper, and that the people have no mode of obtaining it but through the press. The necessity for their having this information results from its being their duty to elect all the parts of the Government, and, in this way, to sit in judgment over the conduct of those who have been heretofore employed. The most important and necessary information for the people to receive is that of the misconduct of the Government, because their good deeds, although they will produce affection and gratitude to public officers, will only confirm the existing confidence and will, therefore, make no change in the conduct of the people. The question, then, whether the Government ought to have control over the persons who alone can give information throughout a country is nothing more than this, whether men, interested in suppressing information necessary for the people to have, ought to be entrusted with the power, or whether they ought to have a power which their personal interest leads to the abuse of. I am sure no candid man will hesi-

tate about the answer; and it may also safely be left with ingenuous men to say whether the misconduct which we sometimes see in the press had not better be borne with, than to run the risk of confiding the power of correction to men who will be constantly urged by their own feelings to destroy its usefulness. * * * How long can it be desirable to have periodical elections for the purpose of judging of the conduct of our rulers, when the channels of information may be choked at their will?

But, sir, I have ever believed this question as settled by an amendment to the Constitution, proposed with others for declaring and restricting its powers, as the preamble declares, at the request of several of the States, made at the adoption of the Constitution, in order to prevent their misconstruction and abuse. This amendment is in the following words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for a redress of grievances." There can be no doubt about the effect of this amendment, unless the "freedom of the press" means

something very different from what it seems; or unless there was some actual restraint upon it, under the Constitution of the United States, at the time of the adoption of this amendment, commensurate with that imposed by this law. Both are asserted, viz., that the "freedom of the press" has a defined, limited meaning, and that the restraints of the common law were in force under the United States, and are greater than those of the act of Congress, and that, therefore, either way the "freedom of the press" is not abridged.

It is asserted by the select committee, and by everybody who has gone before them in this discussion, that the "freedom of the press," according to the universally received acceptation of the expression, means only an exemption from all previous restraints on publication, but not an exemption from any punishment Government pleases to inflict for what is published. This definition does not at all distinguish between publications of different sorts, but leaves all to the regulation of the law, only forbidding Government to interfere until the publication is really made. The definition, if true, so reduces the effect of the amendment that the power of Congress is left unlimited

over the productions of the press, and they are merely deprived of one mode of restraint.

The amendment was certainly intended to produce some limitation to legislative discretion, and it must be construed so as to produce such an effect, if it is possible. * * * To give it such a construction as will bring it to a mere nullity would violate the strongest injunctions of common-sense and decorum, and yet that appears to me to be the effect of the construction adopted by the committee. * * * The effect of the amendment, say the committee, is to prevent Government taking the press from its owner; but how is their power lessened by this, when they may take the printer from his press and imprison him for any length of time, for publishing what they choose to prohibit, although it may be ever so proper for public information? The result is that Government may forbid any species of writing, true as well as false, to be published; may inflict the heaviest punishments they can devise for disobedience, and yet we are very gravely assured that this is the "freedom of the press." * * *

A distinction is very frequently relied on between the freedom and the licentiousness of the press, which it is proper to examine. This

seems to me to refute every other argument which is used on this subject; it amounts to an admission that there are some acts of the press which Congress ought not to have power to restrain, and that by the amendment they are prohibited to restrain these acts. Now, to justify any act of Congress, they ought to show the boundary between what is prohibited and what is permitted, and that the act is not within the prohibited class. The Constitution has fixed no such boundary, therefore they can pretend to no power over the press, without claiming the right of defining what is freedom and what is licentiousness, and that would be to claim a right which would defeat the Constitution; for every Congress would have the same right, and the freedom of the press would fluctuate according to the will of the legislature. This is, therefore, only a new mode of claiming absolute power over the press.

It is said there is a common law which makes part of the law of the United States, which restrained the press more than the act of Congress has done, and that therefore there is no abridgment of its freedom. What this common law is I cannot conceive, nor have I seen anybody who could explain himself when he

was talking of it. It certainly is not a common law of the United States, acquired, as that of England was, by immemorial usage. The standing of the Government makes this impossible. It cannot be a code of laws adopted because they were universally in use in the States, for the States had no uniform code; and, if they had, it could hardly become, by implication, part of the code of a Government of limited powers, from which every thing is expressly retained which is not given. Is it the law of England, at any particular period, which is adopted? But the nature of the law of England makes it impossible that it should have been adopted in the lump into such a Government as this is, because it was a complete system for the management of all the affairs of a country. It regulated estates, punished all crimes, and, in short, went to all things for which laws were necessary. But how was this law adopted? Was it by the Constitution? If so, it is immutable and incapable of amendment. In what part of the Constitution is it declared to be adopted? Was it adopted by the courts? From whom do they derive their authority? The Constitution, in the clause first cited, relies on Congress to pass all laws neces-

sary to enable the courts to carry their powers into execution; it cannot, therefore, have been intended to give them a power not necessary to their declared powers. There does not seem to me the smallest pretext for so monstrous an assumption; on the contrary, while the Constitution is silent about it, every fair inference is against it.

Upon the whole, therefore, I am fully satisfied that no power is given by the Constitution to control the press, and that such laws are expressly prohibited by the amendment. I think it inconsistent with the nature of our Government that its administration should have power to restrain animadversions on public measures, and for protection from private injury from defamation the States are fully competent. It is to them that our officers must look for protection of persons, estates, and every other personal right; and, therefore, I see no reason why it is not proper to rely upon it for defence against private libels.

III.

THE RISE OF DEMOCRACY.

III.

THE RISE OF DEMOCRACY.

THE inaugural address of President Jefferson has been given the first place under this period, notwithstanding the fact that it was not at all an oration. The inaugural addresses of presidents Washington and Adams were really orations, although written, depending for much of their effect on the personal presence of him who delivered the address; that of Jefferson was altogether a business document, sent to be read by the two houses of Congress for their information, and without any of the adjuncts of the orator.

It is impossible, nevertheless, to spare the inaugural address of the first Democratic President, for it is pervaded by a personality which, if quieter in its operation, was more potent in results than the most burning eloquence could

have been. The spirit of modern democracy, which has become, for good or evil, the common characteristic of all American parties and leaders, was here first put into living words. Triumphant in national politics, this spirit now had but one field of struggle, the politics of the States, and here its efforts were for years bent to the abolition of every remnant of limitation on individual liberty. Outside of New England, the change was accomplished as rapidly as the forms of law could be put into the necessary direction; remnants of ecclesiastical government, ecclesiastical taxes of even the mildest description, restrictions on manhood suffrage, State electoral systems, were the immediate victims of the new spirit, and the first term of Mr. Jefferson saw most of the States under democratic governments. Inside of New England, the change was stubbornly resisted, and, for a time, with success. For about twenty years, the general rule was that New England and Delaware were federalist, and the rest of the country was democratic. But even in New

England, a strong democratic minority was growing up, and about 1820 the last barriers of federalism gave way; Connecticut, the federalist "land of steady habits," accepted a new and democratic constitution; Massachusetts modified hers; and the new and reliably democratic State of Maine was brought into existence. The "era of good feeling" signalized the extinction of the federal party and the universal reign of democracy. The length of this period of contest is the strongest testimony to the stubbornness of the New England fibre. Estimated by States, the success of democracy was about as complete in 1803 as in 1817; but it required fifteen years of persistent struggle to convince the smallest section of the Union that it was hopelessly defeated.

The whole period was a succession of great events. The acquisition of Louisiana, stretching from the Mississippi to the Rocky Mountains, laid, in 1803, the foundations of that imperial domain which the steamboat and railroad were to convert to use in after-years. The con-

tinental empire of Napoleon and the island empire of Great Britain drifted into a struggle for life or death which hardly knew a breathing space until the last charge at Waterloo, and from the beginning it was conducted by both combatants with a reckless disregard of international public opinion and neutral rights which is hardly credible but for the official records. Every injury inflicted on neutral commerce by one belligerent was promptly imitated or exceeded by the other, and the two were perfectly in accord in insisting on the convenient doctrine of international law, that, unless neutral rights were enforced by the neutral against one belligerent, the injury became open to the imitation of the other. In the process of imitation, each belligerent took care to pass at least a little beyond the precedent; and thus, beginning with a paper blockade of the northern coast of the continent by the British Government, the process advanced, by alternate "retaliations," to a British proclamation specifying the ports of the world to which American ves-

sels were to be allowed to trade, stopping in England or its dependencies to pay taxes *en route*. These two almost contemporary events, the acquisition of Louisiana, and the insolent pretensions of the European belligerents, were the central points of two distinct influences which bore strongly on the development of the United States.

The dominant party, the republicans, had a horror of a national debt which almost amounted to a mania. The associations of the term, derived from their reading of English history, all pointed to a condition of affairs in which the rise of a strong aristocracy was inevitable; and, to avoid the latter, they were determined to pay off the former. The payment for Louisiana precluded, in their opinion, the support of a respectable navy; and the remnants of colonialism in their party predisposed them to adopt an ostrich policy instead. The Embargo act was passed in 1807, forbidding all foreign commerce. The evident failure of this act to influence the belligerents brought about

its repeal in 1809, and the substitution of the Non-intercourse act. This prohibited commercial intercourse with England and France until either should revoke its injurious edicts. Napoleon, by an empty and spurious revocation in 1810, induced Congress to withdraw the act in respect to France, keeping it alive in respect to England. England refused to admit the sincerity of the French revocation, to withdraw her Orders in Council, or to cease impressing American seamen. The choice left to the United States was between war and submission.

The federalist leaders saw that, while their party strength was confined to a continually decreasing territory, the opposing democracy not only had gained the mass of the original United States, but was swarming toward and beyond the Mississippi. They dropped to the level of a mere party of opposition; they went further until the only article of their political creed was State sovereignty; some of them went one step further, and dabbled in hopeless projects

for secession and the formation of a New England republic of five States. It is difficult to perceive any advantage to public affairs in the closing years of the federal party, except that, by impelling the democratic leaders to really national acts and sympathies, it unwittingly aided in the development of nationality from democracy.

If the essential characteristic of colonialism is the sense of dependence and the desire to imitate, democracy, at least in its earlier phases, begets the opposite qualities. The Congressional elections of 1810-11 showed that the people had gone further in democracy than their leaders. "Submission men" were generally defeated in the election; new leaders, like Clay, Calhoun, and Crawford, made the dominant party a war party, and forced the President into their policy; and the war of 1812 was begun. Its early defeats on land, its startling successes at sea, its financial straits, the desperation of the contest after the fall of Napoleon, and the brilliant victory which crowned its close, all

combined to raise the national feeling to the highest pitch; and the federalists, whose stock object of denunciation was "Mr. Madison's war," though Mr. Madison was about the most unwilling participant in it, came out of it under the ban of every national sympathy.

Democracy found its most congenial soil in the North, though it never exhibited the full sweep of its power until immigration began to assume its great proportions after 1830. As an example of the manner in which, in a democracy, eloquence affects public opinion, and public opinion controls individual action, Dr. Nott's sermon on the murder of Hamilton by Burr in a duel in 1804, has been placed under this period. Forcibly written and widely read, it made duelling an entirely sporadic disease thereafter in the Northern States. No such result would have been possible in the South, so long as society consisted of a dominant race, encamped amid a multitude of slaves, so long as "the night bell tolling for fire," if we take Randolph's terrible image, excited the instinc-

tive fear of negro insurrection; the military virtues of prompt personal daring influenced public opinion more strongly than the eloquence of a Demosthenes could have done.

The speech of Mr. Quincy, in many points one of the most eloquent of our political history, will show the brightest phase of federalism at its lowest ebb. One can hardly compare it with that of Mr. Clay, which follows it, without noticing the national character of the latter, as contrasted with the lack of nationality of the former. It seems, also, that Mr. Clay's speech carries, in its internal characteristics, sufficient evidence of the natural forces which tended to make democracy a national power, and not a mere adjunct of State sovereignty, wherever the oblique influence of slavery was absent. For this reason, it has been taken as a convenient introduction to the topic which follows, the Rise of Nationality.

THOMAS JEFFERSON,

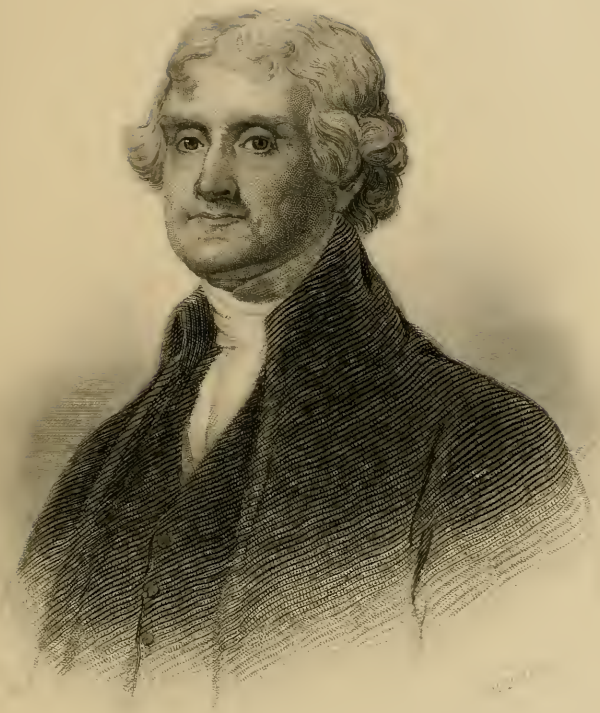
OF VIRGINIA.

(BORN 1743, DIED 1826.)

INAUGURAL ADDRESS OF THOMAS JEFFERSON, AS PRESIDENT OF THE UNITED STATES, MARCH 4, 1801.

FRIENDS AND FELLOW-CITIZENS:

Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness, that the task is above my talents, and that I approach it with those anxious and awful presentiments, which the greatness of the charge, and the weakness of my powers, so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in com-



THOMAS JEFFERSON

Th. Jefferson

merce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye; when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many, whom I see here, remind me, that, in the other high authorities provided by our Constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked, amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely, and to speak and to write what they think; but this being now decided by the

voice of the nation, announced according to the rules of the Constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All too will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression. Let us then, fellow-citizens, unite with one heart and one mind, let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect, that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance, as despotic, as wicked, and as capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared

by some, and less by others, and should divide opinions as to measures of safety; but every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans; we are all Federalists. If there be any among us who wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government cannot be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear, that this government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said, that man cannot be trusted with the government of himself. Can

he then be trusted with the government of others? Or, have we found angels in the form of kings, to govern him? Let history answer this question.

Let us then, with courage and confidence, pursue our own federal and republican principles; our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradation of the others, possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation, entertaining a due sense of our equal right to the use of our own faculties, to the acquisition of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them, enlightened by a benign religion, professed indeed and practised in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man, acknowledging and adoring an overruling Providence, which, by all its dispensations, proves that it delights in the happiness of man here, and his greater happiness hereafter; with all these blessings, what more is necessary to

make us a happy and prosperous people? Still one thing more, fellow-citizens, a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government; and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, upon the exercise of duties which comprehend every thing dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently, those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies; the preser-

vation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home and safety abroad; a jealous care of the right of election by the people, a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts, and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information, and arraignment of all abuses at the bar of the public reason; freedom of religion, freedom of the press, and freedom of person, under the protection of the *habeas corpus*, and trial by juries impartially selected. These principles form the bright constellation, which has gone before us, and guided our steps through an age of revolu-

tion and reformation. The wisdom of our sages, and blood of our heroes, have been devoted to their attainment; they should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learned to expect that it will rarely fall to the lot of imperfect man, to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be

thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional; and your support against the errors of others, who may condemn what they would not, if seen in all its parts. The approbation implied by your suffrage, is a great consolation to me for the past; and my future solicitude will be, to retain the good opinion of those who have bestowed it in advance, to conciliate that of others, by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying then on the patronage of your good-will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make. And may that infinite Power which rules the destinies of the universe, lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

ELIPHALET NOTT.

(BORN 1773, DIED 1866.)

ON THE DEATH OF ALEXANDER HAMILTON, JULY 9, 1804—PRESBYTERIAN CHURCH, ALBANY, N. Y.

"*How are the mighty fallen.*"

I FEEL, my brethren, how incongruous my subject is with the place I occupy. It is humiliating; it is distressing in a Christian country, and in churches consecrated to the religion of Jesus, to be obliged to attack a crime which outstrips barbarism, and would even sink the character of a generous savage. But humiliating as it is, it is necessary. And must we then, even for a moment, forget the elevation on which grace hath placed us, and the light which the gospel sheds around us? Must we place ourselves back in the midst of barbarism; and instead of hearers, softened to forgiveness by the love of Jesus, filled with noble sentiments toward our

enemies, and waiting for occasions, after the example of divinity, to do them good; instead of such hearers, must we suppose ourselves addressing hearts petrified to goodness, incapable of mercy, and boiling with revenge? Must we, O my God! instead of exhorting those who hear us, to go on unto perfection, adding to virtue charity, and to charity brotherly kindness; must we, as if surrounded by an auditory just emerging out of darkness, and still cruel and ferocious, reason to convince them that revenge is improper, and that to commit deliberate murder is sin?

Yes, we must do this. Repeated violations of the law, and the sanctuary which the guilty find in public sentiment, prove that it is necessary.

Withdraw, therefore, for a moment, ye celestial spirits—ye holy angels accustomed to hover round these altars, and listen to those strains of grace which, heretofore, have filled this house of God. Other subjects occupy us. Withdraw, therefore, and leave us; leave us to exhort Christian parents to restrain their vengeance, and at least to keep back their hands from blood; to exhort youth, nurtured in Christian families, not rashly to sport with life, nor

lightly to wring the widow's heart with sorrows and fill the orphan's eye with tears.

In accomplishing the object which is before me, it will not be expected, as it is not necessary that I should give a history of duelling. You need not be informed that it originated in a dark and barbarous age. The polished Greek knew nothing of it; the noble Roman was above it. Rome held in equal detestation the man who exposed his life unnecessarily, and him who refused to expose it when the public good required it. Her heroes were superior to private contests. They indulged no vengeance except against the enemies of their country. Their swords were not drawn unless her honor was in danger; which honor they defended with their swords not only, but shielded with their bosoms also, and were then prodigal of their blood. But though Greece and Rome knew nothing of duelling, it exists. It exists among us; and it exists at once the most rash, the most absurd and guilty practice, that ever disgraced a Christian nation. Guilty—because it is a violation of the law. What law? The law of God. "Thou shalt not kill." This prohibition was delivered by God himself, at Sinai, to the Jews. And that it is of universal and per-

petual obligation is manifest from the nature of the crime prohibited not only, but also from the express declaration of the Christian lawgiver, who hath recognized its justice, and added to it the sanctions of his own authority.

"Thou shalt not kill." Who? Thou, creature. I, the Creator have given life, and thou shalt not take it away! When and under what circumstances may I not take away life? Never, and under no circumstances, without my permission. It is obvious that no discretion whatever is here given. The prohibition is addressed to every individual where the law of God is promulgated, and the terms made use of are express and unequivocal. So that life cannot be taken under any pretext, without incurring guilt, unless by a permission sanctioned by the same authority which sanctions the general law prohibiting it. From this law, it is granted, there are exceptions. These exceptions, however, do not result from any authority which one creature has over the existence of another, but from the positive appointment of that eternal Being, whose "is the world and the fulness thereof. In whose hand is the soul of every living creature, and the breath of all mankind." Even the authority which we claim

over the lives of animals is not founded on a natural right, but on a positive grant, made by the Deity himself to Noah and his sons. This grant contains our warrant for taking the lives of animals. But if we may not take the lives of animals without permission from God, much less may we the life of man, made in his image.

In what cases, then, has the Sovereign of life given this permission? In rightful war; by the civil magistrate: and in necessary self-defence. Besides these I do not hesitate to declare that in the oracles of God there are no others. He, therefore, who takes life in any other case, under whatever pretext, takes it unwarrantably, is guilty of what the Scriptures call murder, and exposes himself to the malediction of that God who is an avenger of blood, and who hath said: "At the hand of every man's brother will I require the life of man—whoso sheddeth man's blood, by man shall his blood be shed."

The duellist contravenes the law of God not only but the law of man also. To the prohibition of the former have been added the sanctions of the latter. Life taken in a duel, by the common law, is murder. And where this is not the case, the giving and receiving of a

challenge only, is, by statute, considered a high misdemeanor, for which the principal and his second are declared infamous and disfranchised for twenty years. Under what accumulated circumstances of aggravation does the duellist jeopardize his own life, or take the life of his antagonist? I am sensible that, in a licentious age, and when laws are made to yield to the vices of those who move in the higher circles, this crime is called by I know not what mild and accommodating name. But before these altars; in this house of God, what is it? It is murder—deliberate, aggravated murder. If the duellist deny this, let him produce his warrant from the author of life, for taking away from his creature the life which had been sovereignly given. If he cannot do this, beyond all controversy, he is a murderer; for murder consists in taking away life without the permission, and contrary to the prohibition of Him who gave it.

Who is it, then, that calls the duellist to the dangerous and deadly combat? Is it God? No; on the contrary, he forbids. Is it, then, his country? No; she also utters her prohibitory voice. Who is it then? A man of honor. A man, perhaps, whose honor is a name; who prates, with polluted lips, about the sacredness

of character, when his own is stained with crimes, and needs but the single shade of murder to complete the dismal and sickly picture, Every transgression of the divine law implies great guilt, because it is the transgression of infinite authority. But the crime of deliberately and lightly taking life has peculiar aggravations. It is a crime committed against the written law not only, but also against the dictates of reason, the remonstrances of conscience, and every tender and amiable feeling of the heart. To the unfortunate sufferer, it is the wanton violation of his most sacred rights. It snatches him from his friends and his comforts; terminates his state of trial, and precipitates him, uncalled for, and perhaps unprepared, into the presence of his Judge.

You will say the duellist feels no malice. Be it so. Malice, indeed, is murder in principle. But there may be murder in reason, and in fact, where there is no malice. Some other unwarrantable passion of principle may lead to the unlawful taking of human life. The highwayman, who cuts the throat and rifles the pocket of the passing traveller, feels no malice. And could he, with equal ease and no greater danger of detection, have secured his booty

without taking life, he would have stayed his arm over the palpitating bosom of his victim, and let the plundered suppliant pass. Would the imputation of cowardice have been inevitable to the duellist, if a challenge had not been given or accepted? The imputation of want had been no less inevitable to the robber, if the money of the passing traveller had not been secured. Would the duellist have been willing to have spared the life of his antagonist, if the point of honor could otherwise have been gained? So would the robber if the point of property could have been. Who can say that the motives of the one are not as urgent as the motives of the other? And the means, by which both obtain the object of their wishes, are the same. Thus, according to the dictates of reason, as well as the law of God, the highwayman and the duellist stand on ground equally untenable, and support their guilty havoc of the human race by arguments equally fallacious.

Is duelling guilty?—So it is absurd. It is absurd as a punishment, for it admits of no proportion to crimes; and besides, virtue and vice, guilt and innocence, are equally exposed by it, to death or suffering. As a reparation, it

is still more absurd, for it makes the injured liable to a still greater injury. And as the vindication of personal character, it is absurd even beyond madness.

One man of honor, by some inadvertence, or perhaps with design, injures the sensibility of another man of honor. In perfect character, the injured gentleman resents it. He challenges the offender. The offender accepts the challenge. The time is fixed. The place is agreed upon. The circumstances, with an air of solemn mania, are arranged; and the principals, with their seconds and surgeons, retire under the cover of some solitary hill, or upon the margin of some unfrequented beach, to settle this important question of honor, by stabbing or shooting at each other. One or the other, or both the parties, fall in this gentleman-like contest. And what does this prove? It proves that one or the other, or both of them, as the case may be, are marksmen. But it affords no evidence that either of them possesses honor, probity, or talents. It is true, that he who falls in single combat has the honor of being murdered; and he who takes his life, the honor of a murderer. Besides this, I know not of any glory that can redound to the infatuated

combatants, except it be what results from having extended the circle of wretched widows, and added to the number of hapless orphans. And yet, terminate as it will, this frantic meeting, by a kind of magic influence, entirely varnishes over a defective and smutty character; transforms vice to virtue, cowardice to courage; makes falsehood, truth; guilt, innocence,—in one word, it gives a new complexion to the whole state of things. The Ethiopian changes his skin, the leopard his spot, and the debauched and treacherous, having shot away the infamy of a sorry life, comes back to the field of perfectibility, quite regenerated, and, in the fullest sense, an honorable man. He is now fit for the company of gentlemen. He is admitted to that company, and should he again, by acts of vileness, stain this purity of character so nobly acquired, and should any one have the effrontery to say he has done so, again he stands ready to vindicate his honor, and by another act of homicide to wipe away the stain which has been attached to it * * *

Ah! ye tragic shores of Hoboken, crimsoned with the richest blood, I tremble at the crimes you record against us—the annual register of murders which you keep and send up to God!

Place of inhuman cruelty! beyond the limits of reason, of duty, and of religion, where man assumes a more barbarous nature, and ceases to be man! What poignant, lingering sorrows do thy lawless combats occasion to surviving relatives! Ye who have hearts of pity—ye who have experienced the anguish of dissolving friendship—who have wept, and still weep, over the mouldering ruins of departed kindred, ye can enter into this reflection.

"How are the mighty fallen!" And, regardless as we are of vulgar deaths, shall not the fall of the mighty affect us? A short time since, and he who is the occasion of our sorrows was the ornament of his country. He stood on an eminence, and glory covered him. From that eminence he has fallen, suddenly, forever fallen. His intercourse with the living world is now ended; and those who would hereafter find him must seek him in the grave * * * * Approach and behold, while I lift from his sepulchre its covering! Ye admirers of his greatness, ye emulous of his talents and his fame, approach and behold him now! How pale! How silent! No martial bands admire the adroitness of his movements; no fascinated throng weep, and melt, and tremble at his

eloquence! Amazing change! A shroud! a coffin! a narrow, subterraneous cabin! This is all that now remains of Hamilton! And is this all that remains of *him?* During a life so transitory, what lasting monument, then, can our fondest hopes erect?

My brethren! we stand on the borders of an awful gulf, which is swallowing up all things human. And is there, amidst this universal wreck, nothing stable, nothing abiding, nothing immortal, on which poor, frail, dying man can fasten? Ask the hero, ask the statesman, whose wisdom you have been accustomed to revere, and he will tell you. He will tell you, did I say? He has already told you from his death-bed, and his illumined spirit still whispers from the heavens the solemn admonition:

"Mortals! hastening to the tomb, and once the companions of my pilgrimage, take warning and avoid my errors; cultivate the virtues I have recommended; choose the Saviour I have chosen; live disinterestedly; live for immortality; and would you rescue any thing from final dissolution, lay it up in God."

JOHN RANDOLPH,

OF VIRGINIA.

(BORN 1773, DIED 1833.)

ON THE MILITIA BILL—HOUSE OF REPRESENTATIVES, DEC. 10, 1811.

MR. SPEAKER :

This is a question, as it has been presented to this House, of peace or war. In that light it has been argued ; in no other light can I consider it, after the declarations made by members of the Committee of Foreign Relations * * *

The Committee of Foreign Relations have, indeed, decided that the subject of arming the militia (which has been pressed upon them as indispensable to the public security) does not come within the scope of their authority. On what ground, I have been, and still am, unable to see, they have felt themselves authorized to recommend the raising of standing armies, with a view (as has been declared) of immediate war

—a war not of defence, but of conquest, of aggrandizement, of ambition—a war foreign to the interests of this country; to the interests of humanity itself. * * *

I cannot refrain from smiling at the liberality of the gentleman in giving Canada to New York in order to strengthen the northern balance of power; while, at the same time, he forewarns her that the western scale must preponderate. I can almost fancy that I see the Capitol in motion toward the falls of Ohio; after a short sojourn, taking its flight to the Mississippi, and finally alighting at Darien; which, when the gentleman's dreams are realized, will be a most eligible seat of government for the new republic (or empire) of the two Americas! But it seems that in 1808 we talked and acted foolishly, and to give some color of consistency to that folly we must now commit a greater.

I hope we shall act a wise part; take warning by our follies since we have become sensible of them, and resolve to talk and act foolishly no more. It is, indeed, high time to give over such preposterous language and proceedings. This war of conquest, a war for the acquisition of territory and subjects, is to be a new com-

JOHN RANDOLPH.

mentary on the doctrine that republicans are destitute of ambition; that they are addicted to peace, wedded to the happiness and safety of the great body of their people. But it seems this is to be a holiday campaign; there is to be no expense of blood, or of treasure on our part; Canada is to conquer herself; she is to be subdued by the principles of fraternity! The people of that country are first to be seduced from their allegiance and converted into traitors, as preparatory to making them good citizens! Although I must acknowledge that some of our flaming patriots were thus manufactured, I do not think the process would hold good with a whole community. It is a dangerous experiment. We are to succeed in the French mode, by the system of fraternization—all is French. But how dreadfully it might be retorted on the southern and western slave-holding States. I detest this subornation of treason. No; if we must have them, let them fall by the valor of our arms; by fair, legitimate conquest; not become the victims of treacherous seduction.

I am not surprised at the war spirit which is manifesting itself in gentlemen from the South. In the year 1805–6, in a struggle for the carrying trade of belligerent colonial produce, this country

was most unwisely brought into collision with the great powers of Europe. By a series of most impolitic aud ruinous measures, utterly incomprehensible to every rational, sober-minded man, the Southern planters, by their own votes, have succeeded in knocking down the price of cotton to seven cents, and of tobacco (a few choice crops excepted) to nothing; and in raising the price of blankets (of which a few would not be amiss in a Canadian campaign), coarse woollens, and every article of first necessity, three or four hundred *per centum*. And now, that by our own acts, we have brought ourselves into this unprecedented condition, we must get out of it in any way, but by an acknowledgment of our own want of wisdom and forecast. But is war the true remedy? Who will profit by it? Speculators; a few lucky merchants, who draw prizes in the lottery; commissaries and contractors. Who must suffer by it? The people. It is their blood, their taxes that must flow to support it. * * *

I am gratified to find gentlemen acknowledging the demoralizing and destructive consequences of the non-importation law; confessing the truth of all that its opponents foretold,

when it was enacted. And will you plunge yourselves in war, because you have passed a foolish and ruinous law, and are ashamed to repeal it? "But our good friend, the French emperor, stands in the way of its repeal, and we cannot go too far in making sacrifices to him, who has given such demonstration of his love for the Americans; we must, in point of fact, become parties to his war. Who can be so cruel as to refuse him that favor?" My imagination shrinks from the miseries of such a connection. I call upon the House to reflect, whether they are not about to abandon all reclamation for the unparalleled outrages, "insults, and injuries" of the French government; to give up our claim for plundered millions; and I ask what reparation or atonement they can expect to obtain in hours of future dalliance, after they shall have made a tender of their person to this great deflowerer of the virginity of republics. We have, by our own wise (I will not say wiseacre) measures, so increased the trade and wealth of Montreal and Quebec, that at last we begin to cast a wistful eye at Canada. Having done so much toward its improvement, by the exercise of "our restrictive energies," we begin to think the laborer worthy

of his hire, and to put in a claim for our portion. Suppose it ours, are we any nearer to our point? As his minister said to the king of Epirus, "May we not as well take our bottle of wine before as after this exploit?" Go! march to Canada! leave the broad bosom of the Chesapeake and her hundred tributary rivers; the whole line of sea-coast from Machias to St. Mary's, unprotected! You have taken Quebec —have you conquered England? Will you seek for the deep foundations of her power in the frozen deserts of Labrador?

> "Her march is on the mountain wave,
> Her home is on the deep!"

Will you call upon her to leave your ports and harbors untouched only just till you can return from Canada, to defend them? The coast is to be left defenceless, while men of the interior are revelling in conquest and spoil. * * *

No sooner was the report laid on the table, than the vultures were flocking around their prey—the carcass of a great military establishment. Men of tainted reputation, of broken fortune (if they ever had any), and of battered constitutions, "choice spirits tired of the dull pursuits of civil life," were seeking after agen-

cies and commissions, willing to doze in gross stupidity over the public fire; to light the public candle at both ends. Honorable men undoubtedly there are ready to serve their country; but what man of spirit, or of self-respect, will accept a commission in the present army? The gentleman from Tennessee (Mr. Grundy) addressed himself yesterday exclusively to the "Republicans of the House." I know not whether I may consider myself as entitled to any part of the benefit of the honorable gentleman's discourse. It belongs not, however, to that gentleman to decide. If we must have an exposition of the doctrines of republicanism, I shall receive it from the fathers of the church, and not from the junior apprentices of the law. I shall appeal to my worthy friends from Carolina (Messrs. Macon and Stanford), "men with whom I have measured my strength," by whose side I have fought during the reign of terror; for it was indeed an hour of corruption, of oppression, of pollution. It was not at all to my taste—that sort of republicanism which was supported, on this side of the Atlantic, by the father of the sedition law, John Adams, and by Peter Porcupine on the other. Republicanism! of John Adams and William Cobbett! * * *

Gallant crusaders in the holy cause of republicanism. Such "republicanism does, indeed, mean any thing or nothing." Our people will not submit to be taxed for this war of conquest and dominion. The government of the United States was not calculated to wage offensive foreign war; it was instituted for the common defence and the general welfare; and whosoever should embark it in a war of offence, would put it to a test which it is by no means calculated to endure. Make it out that Great Britain has instigated the Indians on a late occasion, and I am ready for battle, but not for dominion. I am unwilling, however, under present circumstances, to take Canada, at the risk of the Constitution, to embark in a common cause with France, and be dragged at the wheels of the car of some Burr or Bonaparte. For a gentleman from Tennessee, or Genesee, or Lake Champlain, there may be some prospect of advantage. Their hemp would bear a great price by the exclusion of foreign supply. In that, too, the great importers are deeply interested. The upper country of the Hudson and the lakes would be enriched by the supplies for the troops, which they alone could furnish. They would have the exclusive market; to say nothing of

the increased preponderance from the acquisition of Canada and that section of the Union, which the Southern and Western States have already felt so severely in the Apportionment bill. * * *

Permit me now, sir, to call your attention to the subject of our black population. I will touch this subject as tenderly as possible. It is with reluctance that I touch it at all; but in cases of great emergency, the State physician must not be deterred by a sickly, hysterical humanity, from probing the wound of his patient; he must not be withheld by a fastidious and mistaken delicacy from representing his true situation to his friends, or even to the sick man himself, when the occasion calls for it. What is the situation of the slave-holding States? During the war of the Revolution, so fixed were their habits of subordination, that while the whole country was overrun by the enemy, who invited them to desert, no fear was ever entertained of an insurrection of the slaves. During a war of seven years, with our country in possession of the enemy, no such danger was ever apprehended. But should we, therefore, be unobservant spectators of the progress of society within the last twenty years; of the

silent but powerful change wrought, by time and chance, upon its composition and temper? When the fountains of the great deep of abomination were broken up, even the poor slaves did not escape the general deluge. The French Revolution has polluted even them. * * *

Men, dead to the operation of moral causes, have taken away from the poor slave his habit of loyalty and obedience to his master, which lightened his servitude by a double operation; beguiling his own cares and disarming his master's suspicions and severity; and now, like true empirics in politics, you are called upon to trust to the mere physical strength of the fetter which holds him in bondage. You have deprived him of all moral restraint; you have tempted him to eat of the fruit of the tree of knowledge, just enough to perfect him in wickedness; you have opened his eyes to his nakedness; you have armed his nature against the hand that has fed, that has clothed him, that has cherished him in sickness; that hand which before he became a pupil of your school, he had been accustomed to press with respectful affection. You have done all this—and then show him the gibbet and the wheel, as incentives to a sullen, repugnant obedience. God

forbid, sir, that the Southern States should ever see an enemy on their shores, with these infernal principles of French fraternity in the van. While talking of taking Canada, some of us are shuddering for our own safety at home. I speak from facts, when I say, that the night-bell never tolls for fire in Richmond, that the mother does not hug her infant more closely to her bosom. I have been a witness of some of the alarms in the capital of Virginia. * * *

Against whom are these charges brought? Against men, who in the war of the Revolution were in the councils of the nation, or fighting the battles of your country. And by whom are they made? By runaways chiefly from the British dominions, since the breaking out of the French troubles. It is insufferable. It cannot be borne. It must and ought, with severity, to be put down in this House; and out of it to meet the lie direct. We have no fellow-feeling for the suffering and oppressed Spaniards! Yet even them we do not reprobate. Strange! that we should have no objection to any other people or government, civilized or savage, in the whole world! The great autocrat of all the Russias receives the homage of our high consideration. The Dey of Algiers

and his divan of pirates are very civil, good sort of people, with whom we find no difficulty in maintaining the relations of peace and amity. "Turks, Jews, and infidels"; Melimelli or the Little Turtle; barbarians and savages of every clime and color, are welcome to our arms. With chiefs of banditti, negro or mulatto, we can treat and trade. Name, however, but England, and all our antipathies are up in arms against her. Against whom? Against those whose blood runs in our veins; in common with whom, we claim Shakespeare, and Newton, and Chatham, for our countrymen; whose form of government is the freest on earth, our own only excepted; from whom every valuable principle of our own institutions has been borrowed—representation, jury trial, voting the supplies, writ of habeas corpus, our whole civil and criminal jurisprudence;—against our fellow Protestants, identified in blood, in language, in religion, with ourselves. In what school did the worthies of our land, the Washingtons, Henrys, Hancocks, Franklins, Rutledges of America, learn those principles of civil liberty which were so nobly asserted by their wisdom and valor? American reistance to British usurpation has not been more warmly cherished

by these great men and their compatriots; not more by Washington, Hancock, and Henry, than by Chatham and his illustrious associates in the British Parliament. It ought to be remembered, too, that the heart of the English people was with us. It was a selfish and corrupt ministry, and their servile tools, to whom we were not more opposed than they were. I trust that none such may ever exist among us; for tools will never be wanting to subserve the purposes, however ruinous or wicked, of kings and ministers of state. I acknowledge the influence of a Shakespeare and a Milton upon my imagination, of a Locke upon my understanding, of a Sidney upon my political principles, of a Chatham upon qualities which, would to God I possessed in common with that illustrious man! of a Tillotson, a Sherlock, and a Porteus upon my religion. This is a British influence which I can never shake off. I allow much to the just and honest prejudices growing out of the Revolution. But by whom have they been suppressed, when they ran counter to the interests of my country? By Washington. By whom, would you listen to them, are they most keenly felt? By felons escaped from the jails of Paris, Newgate, and Kilmainham, since the

breaking out of the French Revolution; who, in this abused and insulted country, have set up for political teachers, and whose disciples give no other proof of their progress in republicanism, except a blind devotion to the most ruthless military despotism that the world ever saw. These are the patriots, who scruple not to brand with the epithet of Tory, the men (looking toward the seat of Col. Stewart) by whose blood your liberties have been cemented. These are they, who hold in such keen remembrance the outrages of the British armies, from which many of them are deserters. Ask these self-styled patriots where they were during the American war (for they are, for the most part, old enough to have borne arms), and you strike them dumb; their lips are closed in eternal silence. If it were allowable to entertain partialities, every consideration of blood, language, religion, and interest, would incline us toward England: and yet, shall they alone be extended to France and her ruler, whom we are bound to believe a chastening God suffers as the scourge of a guilty world! On all other nations he tramples; he holds them in contempt; England alone he hates; he would, but he cannot, despise her; fear cannot despise; and shall we disparage our ancestors?

But the outrages and injuries of England—bred up in the principles of the Revolution—I can never palliate, much less defend them. I well remember flying, with my mother and her new-born child, from Arnold and Philips; and we were driven by Tarleton and other British Pandours from pillar to post, while her husband was fighting the battles of his country. The impression is indelible on my memory; and yet (like my worthy old neighbor, who added seven buckshot to every cartridge at the battle of Guilford, and drew fine sight at his man) I must be content to be called a Tory by a patriot of the last importation. Let us not get rid of one evil (supposing it possible) at the expense of a greater; *mutatis mutandis*, suppose France in possession of the British naval power—and to her the trident must pass should England be unable to wield it—what would be your condition? What would be the situation of your seaports, and their seafaring inhabitants? Ask Hamburg, Lubec! Ask Savannah! * * *

Shall republicans become the instruments of him who has effaced the title of Attila to the "scourge of God!" Yet, even Attila, in the falling fortunes of civilization, had, no doubt, his advocates, his tools, his minions, his para-

sites, in the very countries that he overran; sons of that soil whereon his horse had trod; where grass could never after grow. If perfectly fresh, instead of being as I am, my memory clouded, my intellect stupefied, my strength and spirits exhausted, I could not give utterance to that strong detestation which I feel toward (above all other works of the creation) such characters as Gengis, Tamerlane, Kouli-Khan, or Bonaparte. My instincts involuntarily revolt at their bare idea. Malefactors of the human race, who have ground down man to a mere machine of their impious and bloody ambition! Yet under all the accumulated wrongs, and insults, and robberies of the last of these chieftains, are we not, in point of fact, about to become a party to his views, a partner in his wars? * * *

I call upon those professing to be republicans to make good the promises, held out by their republican predecessors, when they came into power; promises which, for years afterward, they honestly, faithfully fulfilled. We have vaunted of paying off the national debt, of retrenching useless establishments; and yet have now become as infatuated with standing armies, loans, taxes, navies, and war as ever were the Essex Junto!

JOSIAH QUINCY,

OF MASSACHUSETTS.

(BORN 1772, DIED 1864.)

ON THE ADMISSION OF LOUISIANA—HOUSE OF REPRESENTATIVES, JAN. 14, 1811.

MR. SPEAKER:

I address you, sir, with anxiety and distress of mind, with me, wholly unprecedented. The friends of this bill seem to consider it as the exercise of a common power; as an ordinary affair; a mere municipal regulation, which they expect to see pass without other questions than those concerning details. But, sir, the principle of this bill materially affects the liberties and rights of the whole people of the United States. To me it appears that it would justify a revolution in this country; and that, in no great length of time it may produce it. When I see the zeal and perseverance with which this bill has been urged along its parliamentary path, when I know the local interests and associ-

ated projects which combine to promote its success, all opposition to it seems manifestly unavailing. I am almost tempted to leave, without a struggle, my country to its fate. But, sir, while there is life, there is hope. So long as the fatal shaft has not yet sped, if Heaven so will, the bow may be broken and the vigor of the mischief-meditating arm withered. If there be a man in this House or nation, who cherishes the Constitution, under which we are assembled, as the chief stay of his hope, as the light which is destined to gladden his own day, and to soften even the gloom of the grave, by the prospects it sheds over his children, I fall not behind him in such sentiments. I will yield to no man in attachment to this Constitution, in veneration for the sages who laid its foundations, in devotion to those principles which form its cement and constitute its proportions. What then must be my feelings; what ought to be the feelings of a man, cherishing such sentiments, when he sees an act contemplated which lays ruin at the foot of all these hopes? When he sees a principle of action about to be usurped, before the operation of which the bands of this Constitution are no more than flax before the fire, or stubble be-

fore the whirlwind. When this bill passes, such an act is done ; and such a principle is usurped.

Mr. Speaker, there is a great rule of human conduct, which he who honestly observes, cannot err widely from the path of his sought duty. It is, to be very scrupulous concerning the principles you select as the test of your rights and obligations ; to be very faithful in noticing the result of their application ; and to be very fearless in tracing and exposing their immediate effects and distant consequences. Under the sanction of this rule of conduct, I am compelled to declare *it as my deliberate opinion, that, if this bill passes, the bonds of this union are, virtually, dissolved ; that the States which compose it are free from their moral obligations, and that as it will be the right of all, so it will be the duty of some, to prepare, definitely, for a separation : amicably, if they can ; violently, if they must.*

(Mr. Quincy was here called to order by Mr. Poindexter, delegate from the Mississippi territory, for the words in italics. After it was decided, upon an appeal to the House, that Mr. Quincy was in order, he proceeded.)

I rejoice, Mr. Speaker, at the result of this appeal. Not from any personal consideration, but from the respect paid to the essential rights

of the people, in one of their representatives. When I spoke of the separation of the States, as resulting from the violation of the Constitution contemplated in this bill, I spoke of it as a necessity, deeply to be deprecated; but as resulting from causes so certain and obvious as to be absolutely inevitable, when the effect of the principle is practically experienced. It is to preserve, to guard the Constitution of my country, that I denounce this attempt. I would rouse the attention of gentlemen from the apathy with which they seem beset. These observations are not made in a corner; there is no low intrigue; no secret machination. I am on the people's own ground; to them I appeal concerning their own rights, their own liberties, their own intent, in adopting this Constitution. The voice I have uttered, at which gentlemen startle with such agitation, is no unfriendly voice. I intended it as a voice of warning. By this people, and by the event, if this bill passes, I am willing to be judged, whether it be not a voice of wisdom.

The bill which is now proposed to be passed has this assumed principle for its basis; that the three branches of this national government, without recurrence to conventions of the peo-

ple in the States, or to the Legislatures of the States, are authorized to admit new partners to a share of the political power, in countries out of the original limits of the United States. Now, this assumed principle, I maintain to be altogether without any sanction in the Constitution. I declare it to be a manifest and atrocious usurpation of power; of a nature, dissolving, according to undeniable principles of moral law, the obligations of our national compact; and leading to all the awful consequences which flow from such a state of things. Concerning this assumed principle, which is the basis of this bill, this is the general position, on which I rest my argument; that if the authority, now proposed to be exercised, be delegated to the three branches of the government by virtue of the Constitution, it results either from its general nature, or from its particular provisions. I shall consider distinctly both these sources, in relation to this pretended power.

Touching the general nature of the instrument called the Constitution of the United States there is no obscurity; it has no fabled descent, like the palladium of ancient Troy, from the heavens. Its origin is not confused by the mists of time, or hidden by the darkness

of passed, unexplored ages; it is the fabric of our day. Some now living, had a share in its construction; all of us stood by, and saw the rising of the edifice. There can be no doubt about its nature. It is a political compact. By whom? And about what? The preamble to the instrument will answer these questions.

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution, for the United States of America."

It is, we the people of the United States, for ourselves and our posterity; not for the people of Louisana; nor for the people of New Orleans or of Canada. None of these enter into the scope of the instrument; it embraces only "the United States of America." Who these are, it may seem strange in this place to inquire. But truly, sir, our imaginations have, of late, been so accustomed to wander after new settlements to the very ends of the earth, that it will not be time ill spent to inquire what this phrase means, and what it includes. These are

not terms adopted at hazard; they have reference to a state of things existing anterior to the Constitution. When the people of the present United States began to contemplate a severance from their parent State, it was a long time before they fixed definitely the name by which they would be designated. In 1774, they called themselves "the Colonies and Provinces of North America." In 1775, "the Representatives of the United Colonies of North America." In the Declaration of Independence, "the Representatives of the United States of America." And finally, in the articles of confederation, the style of the confederacy is declared to be "the United States of America." It was with reference to the old articles of confederation, and to preserve the identity and established individuality of their character, that the preamble to this Constitution, not content, simply, with declaring that it is "we the people of the United States," who enter into this compact, adds that it is for "the United States of America." Concerning the territory contemplated by the people of the United States, in these general terms, there can be no dispute; it is settled by the treaty of peace, and included within the Atlantic Ocean, the St. Croix, the

lakes, and more precisely, so far as relates to the frontier, having relation to the present argument, within "a line to be drawn through the middle of the river Mississippi, until it intersect the northernmost part of the thirty-first degree of north latitude, thence within a line drawn due east on this degree of latitude to the river Apalachicola, thence along the middle of this river to its junction with the Flint River, thence straight to the head of the St. Mary's River, and thence down the St. Mary's to the Atlantic Ocean."

I have been thus particular to draw the minds of gentlemen, distinctly, to the meaning of the terms used in the preamble; to the extent which "the United States" then included; and to the fact, that neither New Orleans, nor Louisiana, was within the comprehension of the terms of this instrument. It is sufficient for the present branch of my argument to say, that there is nothing, in the general nature of this compact, from which the power, contemplated to be exercised in this bill, results. On the contrary, as the introduction of a new associate in political power implies, necessarily, a new division of power, and consequent diminution of the relative proportion of the former proprietors

of it, there can, certainly, be nothing more obvious, than that from the general nature of the instrument no power can result to diminish and give away, to strangers, any proportion of the rights of the original partners. If such a power exist, it must be found, then, in the particular provisions in the Constitution. The question now arising is, in which of these provisions is given the power to admit new States, to be created in territories beyond the limits of the old United States. If it exist anywhere, it is either in the third section of the fourth article of the Constitution, or in the treaty-making power. If it result from neither of these, it is not pretended to be found anywhere else.

That part of the third section of the fourth article, on which the advocates of this bill rely, is the following: "New States may be admitted by the Congress, into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress."

I know, Mr. Speaker, that the first clause of this paragraph has been read, with all the su-

perciliousness of a grammarian's triumph—"New States may be admitted by the Congress into this Union,"—accompanied with this most consequential inquiry: "Is not this a new State to be admitted? And is there not here an express authority?" I have no doubt this is a full and satisfactory argument to every one who is content with the mere colors and superficies of things. And if we were now at the bar of some stall-fed justice, the inquiry would insure the victory to the maker of it, to the manifest delight of the constables and suitors of his court. But, sir, we are now before the tribunal of the whole American people; reasoning concerning their liberties, their rights, their Constitution. These are not to be made the victims of the inevitable obscurity of general terms; nor the sport of verbal criticism. The question is concerning the intent of the American people, the proprietors of the old United States, when they agreed to this article. Dictionaries and spelling-books are here of no authority. Neither Johnson, nor Walker, nor Webster, nor Dilworth, has any voice in this matter. Sir, the question concerns the proportion of power reserved, by this Constitution, to every State in this Union. Have the three branches of this

government a right, at will, to weaken and outweigh the influence, respectively secured to each State in this compact, by introducing, at pleasure, new partners, situate beyond the old limits of the United States? The question has not relation merely to New Orleans. The great objection is to the principle of the bill. If this principle be admitted, the whole space of Louisiana, greater, it is said, than the entire extent of the old United States, will be a mighty theatre, in which this government assumes the right of exercising this unparalleled power. And it will be; there is no concealment, it is intended to be exercised. Nor will it stop until the very name and nature of the old partners be overwhelmed by new-comers into the confederacy. Sir, the question goes to the very root of the power and influence of the present members of this Union. The real intent of this article, is, therefore, an injury of most serious import; and is to be settled only by a recurrence to the known history and known relations of this people and their Constitution. These, I maintain, support this position, that the terms "new States," in this article, do not intend new political sovereignties, with territorial annexations, to be created without the original limits of the United States. * * *

But there is an argument stronger even than all those which have been produced, to be drawn from the nature of the power here proposed to be exercised. Is it possible that such a power, if it had been intended to be given by the people, should be left dependent upon the effect of general expressions, and such, too, as were obviously applicable to another subject, to a particular exigency contemplated at that time? Sir, what is this power we propose now to usurp? Nothing less than a power changing all the proportions of the weight and influence possessed by the potent sovereignties composing this Union. A stranger is to be introduced to an equal share without their consent. Upon a principle pretended to be deduced from the Constitution, this government, after this bill passes, may and will multiply foreign partners in power at its own mere motion; at its irresponsible pleasure; in other words, as local interests, party passions, or ambitious views may suggest. It is a power that from its nature never could be delegated; never was delegated; and as it breaks down all the proportions of power guaranteed by the Constitution to the States, upon which their essential security depends, utterly annihilates the moral force of this

political conduct. Would this people, so wisely vigilant concerning their rights, have transferred to Congress a power to balance, at its will, the political weight of any one State, much more of all the States, by authorizing it to create new States, at its pleasure, in foreign countries, not pretended to be within the scope of the Constitution, or the conception of the people at the time of passing it? This is not so much a question concerning the exercise of sovereignty, as it is who shall be sovereign—whether the proprietors of the good old United States shall manage their own affairs in their own way; or whether they, and their Constitution, and their political rights, shall be trampled under foot by foreigners, introduced through a breach of the Constitution. The proportion of the political weight of each sovereign State constituting this Union depends upon the number of the States which have voice under the compact. This number the Constitution permits us to multiply at pleasure within the limits of the original United States, observing only the expressed limitations in the Constitution. But when, in order to increase your power of augmenting this number, you pass the old limits, you are guilty of a violation of the Constitu-

tion in a fundamental point; and in one, also, which is totally inconsistent with the intent of the contract and the safety of the States which established the association. What is the practical difference to the old partners whether they hold their liberties at the will of a master, or whether by admitting exterior States on an equal footing with the original States, arbiters are constituted, who, by availing themselves of the contrariety of interests and views, which in such a confederacy necessarily will arise, hold the balance among the parties which exist and govern us by throwing themselves into the scale most comformable to their purpose? In both cases there is an effective despotism. But the last is the more galling, as we carry the chain in the name and gait of freemen.

I have thus shown, and whether fairly, I am willing to be judged by the sound discretion of the American people, that the power proposed to be usurped in this bill, results neither from the general nature nor the particular provisions of the Federal Constitution; and that it is a palpable violation of it in a fundamental point; whence flow all the consequences I have indicated.

"But," says the gentleman from Tennessee

(Mr. Rhea), "these people have been seven years citizens of the United States." I deny it, sir. As citizens of New Orleans, or of Louisiana, they never have been, and by the mode proposed they never will be, citizens of the United States. They may girt upon us for a moment, but no real cement can grow from such an association. What the real situation of the inhabitants of those foreign countries is, I shall have occasion to show presently. "But," says the same gentleman: "if I have a farm, have not I a right to purchase another farm, in my neighborhood, and settle my sons upon it, and in time admit them to a share in the management of my household?" Doubtless, sir. But are these cases parallel? Are the three branches of this government owners of this farm, called the United States? I desire to thank heaven they are not. I hold my life, liberty, and property, and the people of the State from which I have the honor to be a representative hold theirs, by a better tenure than any this National Government can give. Sir, I know your virtue. And I thank the Great Giver of every good gift, that neither the gentleman from Tennessee, nor his comrades, nor any, nor all the members of this House, nor of the other branch of the Legisla-

ture, nor the good gentleman who lives in the palace yonder, nor all combined, can touch these my essential rights, and those of my friends and constituents, except in a limited and prescribed form. No, sir. We hold these by the laws, customs, and principles of the commonwealth of Massachusetts. Behind her ample shield, we find refuge, and feel safety. I beg gentlemen not to act upon the principle, that the commonwealth of Massachusetts is their farm.

"But," the gentleman adds, "what shall we do, if we do not admit the people of Louisiana into our Union? Our children are settling that country." Sir, it is no concern of mine what he does. Because his children have run wild and uncovered into the woods, is that a reason for him to break into my house, or the houses of my friends, to filch our children's clothes, in order to cover his children's nakedness. This Constitution never was, and never can be, strained to lap over all the wilderness of the West, without essentially affecting both the rights and convenience of its real proprietors. It was never constructed to form a covering for the inhabitants of the Missouri and Red River country. And whenever it is attempted

to be stretched over them, it will rend asunder. I have done with this part of my argument. It rests upon this fundamental principle, that the proportion of political power, subject only to internal modifications, permitted by the Constitution, is an unalienable, essential, intangible right. When it is touched, the fabric is annihilated ; for, on the preservation of these proportions, depend our rights and liberties.

If we recur to the known relations existing among the States at the time of the adoption of this Constitution, the same conclusions will result. The various interests, habits, manners, prejudices, education, situation, and views, which excited jealousies and anxieties in the breasts of some of our most distinguished citizens, touching the result of the proposed Constitution, were potent obstacles to its adoption. The immortal leader of our Revolution, in his letter to the President of the old Congress, written as president of the convention which formed this compact, thus speaks on this subject: "It is at all times difficult to draw, with precision, the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference

among the several States, as to their situation, extent, habits, and particular interests."

The debates of that period will show that the effect of the slave votes upon the political influence of this part of the country, and the anticipated variation of the weight of power to the West, were subjects of great and just jealousy to some of the best patriots in the Northern and Eastern States. Suppose, then, that it had been distinctly foreseen that, in addition to the effect of this weight, the whole population of a world beyond the Mississippi was to be brought into this and the other branch of the Legislature, to form our laws, control our rights, and decide our destiny. Sir, can it be pretended that the patriots of that day would for one moment have listened to it? They were not madmen. They had not taken degrees at the hospital of idiocy. They knew the nature of man, and the effect of his combinations in political societies. They knew that when the weight of particular sections of a confederacy was greatly unequal, the resulting power would be abused; that it was not in the nature of man to exercise it with moderation. The very extravagance of the intended use is a conclusive evidence against the possi-

bility of the grant of such a power as is here proposed. Why, sir, I have already heard of six States, and some say there will be, at no great distance of time, more. I have also heard that the mouth of the Ohio will be far to the east of the centre of the contemplated empire. If the bill is passed, the principle is recognized. All the rest are mere questions of expediency. It is impossible such a power could be granted. It was not for these men that our fathers fought. It was not for them this Constitution was adopted. You have no authority to throw the rights and liberties and property of this people into "hotch-pot" with the wild men on the Missouri, nor with the mixed, though more respectable, race of Anglo-Hispano-Gallo-Americans, who bask on the sands in the mouth of the Mississippi. I make no objection to these from their want of moral qualities or political light. The inhabitants of New Orleans are, I suppose, like those of all other countries, some good, some bad, some indifferent.

I will add only a few words, in relation to the moral and political consequences of usurping this power. I have said that it would be a virtual dissolution of the Union; and gentlemen express great sensibility at the expression.

But the true source of terror is not the declaration I have made, but the deed you propose. Is there a moral principle of public law better settled, or more conformable to the plainest suggestions of reason, than that the violation of a contract by one of the parties may be considered as exempting the other from its obligations? Suppose, in private life, thirteen form a partnership, and ten of them undertake to admit a new partner without the concurrence of the other three, would it not be at their option to abandon the partnership, after so palpable an infringement of their rights? How much more, in the political partnership, where the admission of new associates, without previous authority, is so pregnant with obvious dangers and evils! Again, it is settled as a principle of morality, among writers on public law, that no person can be obliged, beyond his intent at the time of contract. Now who believes, who dare assert, that it was the intention of the people, when they adopted this Constitution, to assign, eventually, to New Orleans and Louisiana, a portion of their political power; and to invest all the people those extensive regions might hereafter contain, with an authority over themselves and their descendants? When you throw

the weight of Louisiana into the scale, you destroy the political equipoise contemplated at the time of forming the contract. Can any man venture to affirm that the people did intend such a comprehension as you now, by construction, give it? Or can it be concealed that, beyond its fair and acknowledged intent, such a compact has no moral force? If gentlemen are so alarmed at the bare mention of the consequences, let them abandon a measure which, sooner or later, will produce them. How long before the seeds of discontent will ripen, no man can foretell. But it is the part of wisdom not to multiply or scatter them. Do you suppose the people of the Northern and Atlantic States will, or ought to, look on with patience and see Representatives and Senators, from the Red River and Missouri, pouring themselves upon this and the other floor, managing the concerns of a sea-board fifteen hundred miles, at least, from their residence; and having a preponderancy in councils, into which, constitutionally, they could never have been admitted? I have no hesitation upon this point. They neither will see it, nor ought to see it, with content. It is the part of a wise man to foresee danger and to hide himself. This great usurpation, which

creeps into this House, under the plausible appearance of giving content to that important point, New Orleans, starts up a gigantic power to control the nation. Upon the actual condition of things, there is, there can be, no need of concealment. It is apparent to the blindest vision. By the course of nature, and conformable to the acknowledged principles of the Constitution, the sceptre of power, in this country, is passing toward the Northwest. Sir, there is to this no objection. The right belongs to that quarter of the country. Enjoy it; it is yours. Use the powers granted as you please. But take care, in your haste after effectual dominion, not to overload the scale by heaping it with these new acquisitions. Grasp not too eagerly at your purpose. In your speed after uncontrolled sway, trample not down this Constitution. * * *

New States are intended to be formed beyond the Mississippi. There is no limit to men's imaginations, on this subject, short of California and Columbia River. When I said that the bill would justify a revolution and would produce it, I spoke of its principle and its practical consequences. To this principle and those consequences I would call the attention of this

House and nation. If it be about to introduce a condition of things absolutely insupportable, it becomes wise and honest men to anticipate the evil, and to warn and prepare the people against the event. I have no hesitation on the subject. The extension of this principle to the States contemplated beyond the Mississippi, cannot, will not, and ought not to be borne. And the sooner the people contemplate the unavoidable result the better; the more hope that the evils may be palliated or removed.

Mr. Speaker, what is this liberty of which so much is said? Is it to walk about this earth, to breathe this air, to partake the common blessings of God's providence? The beasts of the field and the birds of the air unite with us in such privileges as these. But man boasts a purer and more ethereal temperature. His mind grasps in its view the past and future, as well as the present. We live not for ourselves alone. That which we call liberty is that principle on which the essential security of our political condition depends. It results from the limitations of our political system, prescribed in the Constitution. These limitations, so long as they are faithfully observed, maintain order, peace, and safety. When they are

violated, in essential particulars, all the concurrent spheres of authority rush against each other; and disorder, derangement, and convulsion are, sooner or later, the necessary consequences.

With respect to this love of our Union, concerning which so much sensibility is expressed, I have no fears about analyzing its nature. There is in it nothing of mystery. It depends upon the qualities of that Union, and it results from its effects upon our and our country's happiness. It is valued for "that sober certainty of waking bliss" which it enables us to realize. It grows out of the affections, and has not, and cannot be made to have, any thing universal in its nature. Sir, I confess it: the first public love of my heart is the Commonwealth of Massachusetts. There is my fireside; there are the tombs of my ancestors—

> "Low lies that land, yet blest with fruitful stores,
> Strong are her sons, though rocky are her shores;
> And none, ah! none, so lovely to my sight,
> Of all the lands which heaven o'erspreads with light."

The love of this Union grows out of this attachment to my native soil, and is rooted in it. I cherish it, because it affords the best external

hope of her peace, her prosperity, her independence. I oppose this bill from no animosity to the people of New Orleans; but from the deep conviction that it contains a principle incompatible with the liberties and safety of my country. I have no concealment of my opinion. The bill, if it passes, is a death-blow to the Constitution. It may, afterward, linger; but, lingering, its fate will, at no very distant period, be consummated.

HENRY CLAY,

OF KENTUCKY.

(BORN 1777, DIED 1852.)

ON THE WAR OF 1812—HOUSE OF REPRESENTATIVES, JAN. 8, 1813.

SIR, gentlemen appear to me to forget that they stand on American soil; that they are not in the British House of Commons, but in the chamber of the House of Representatives of the United States; that we have nothing to do with the affairs of Europe, the partition of territory and sovereignty there, except so far as these things affect the interests of our own country. Gentlemen transform themselves into the Burkes, Chathams, and Pitts of another country, and, forgetting, from honest zeal, the interests of America, engage with European sensibility in the discussion of European interests. If gentlemen ask me whether I do not view with regret and horror the concentration of such vast power in the hands of Bona-

parte, I reply that I do. I regret to see the Emperor of China holding such immense sway over the fortunes of millions of our species. I regret to see Great Britain possessing so uncontrolled a command over all the waters of the globe. If I had the ability to distribute among the nations of Europe their several portions of power and of sovereignty, I would say that Holland should be resuscitated and given the weight she enjoyed in the days of her De Witts. I would confine France within her natural boundaries, the Alps, Pyrenees, and the Rhine, and make her a secondary naval power only. I would abridge the British maritime power, raise Prussia and Austria to their original condition, and preserve the integrity of the Empire of Russia. But these are speculations. I look at the political transactions of Europe, with the single exception of their possible bearing upon us, as I do at the history of other countries and other times. I do not survey them with half the interest that I do the movements in South America. Our political relation with them is much less important than it is supposed to be. I have no fears of French or English subjugation. If we are united we are too powerful for the mightiest nation in Europe or all Europe

combined. If we are separated and torn asunder, we shall become an easy prey to the weakest of them. In the latter dreadful contingency our country will not be worth preserving.

Next to the notice which the opposition has found itself called upon to bestow upon the French Emperor, a distinguished citizen of Virginia, formerly President of the United States, has never for a moment failed to receive their kindest and most repectful attention. An honorable gentleman from Massachusetts (Mr. Quincy), of whom I am sorry to say it becomes necessary for me, in the course of my remarks, to take some notice, has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. No, sir. In 1801 he snatched from the rude hand of usurpation the violated Constitution of his country, and that is his crime. He preserved that instrument, in form, and substance, and spirit, a precious inheritance for generations to come, and for this he can never be forgiven. How vain and impotent is party rage, directed against such a man. He is not more elevated by his lofty residence, upon the summit of his

own favorite mountain, than he is lifted, by the serenity of his mind, and the consciousness of a well-spent life, above the malignant passions and bitter feelings of the day. No! his own beloved Monticello is not less moved by the storms that beat against its sides than is this illustrious man by the howlings of the whole British pack, set loose from the Essex kennel. When the gentleman to whom I have been compelled to allude shall have mingled his dust with that of his abused ancestors, when he shall have been consigned to oblivion, or, if he lives at all, shall live only in the treasonable annals of a certain junto, the name of Jefferson will be hailed with gratitude, his memory honored and cherished as the second founder of the liberties of the people, and the period of his administration will be looked back to as one of the happiest and brightest epochs of American history; an oasis in the midst of a sandy desert. But I beg the gentleman's pardon; he has already secured to himself a more imperishable fame than I had supposed; I think it was about four years that he submitted to the House of Representatives an initiative proposition for the impeachment of Mr. Jefferson. The house condescended to consider it. The gentleman de-

bated it with his usual temper, moderation, and urbanity. The house decided upon it in the most solemn manner, and, although the gentleman had somehow obtained a second, the final vote stood one for, and one hundred and seventeen against, the proposition. * * *

But sir, I must speak of another subject, which I never think of but with feelings of the deepest awe. The gentleman from Massachusetts, in imitation of some of his predecessors of 1799, has entertained us with a picture of cabinet plots, presidential plots, and all sorts of plots, which have been engendered by the diseased state of the gentleman's imagination. I wish, sir, that another plot, of a much more serious and alarming character—a plot that aims at the dismemberment of our Union —had only the same imaginary existence. But no man, who has paid any attention to the tone of certain prints and to transactions in a particular quarter of the Union, for several years past, can doubt the existence of such a plot. It was far, very far from my intention to charge the opposition with such a design. No, I believe them generally incapable of it. But I cannot say as much for some who have been unworthily as-

sociated with them in the quarter of the Union to which I have referred. The gentleman cannot have forgotten his own sentiment, uttered even on the floor of this house, "peaceably if we can, forcibly if we must," nearly at the very time Henry's mission was undertaken. The flagitiousness of that embassy had been attempted to be concealed by directing the public attention to the price which, the gentleman says, was given for the disclosure. As if any price could change the atrociousness of the attempt on the part of Great Britain, or could extenuate, in the slightest degree, the offence of those citizens, who entertained and deliberated on a proposition so infamous and unnatural * * * But, sir, I will quit this unpleasant subject. * * *

The war was declared because Great Britain arrogated to herself the pretension of regulating our foreign trade, under the delusive name of retaliatory orders in council—a pretension by which she undertook to proclaim to American enterprise, "thus far shalt thou go, and no further"—orders which she refused to revoke after the alleged cause of their enactment had ceased; because she persisted in the practice of impressing American seamen; because she had

instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. So undeniable were the causes of the war, so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this House, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. It is true, they wrapped themselves up in sullen silence, pretending they did not choose to debate such a question in secret session. While speaking of the proceedings on that occasion I beg to be permitted to advert to another fact which transpired—an important fact, material for the nation to know, and which I have often regretted had not been spread upon our journals. My honorable colleague (Mr. McKee) moved, in committee of the whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom seven belonged to this side of the house, and three only to the other. * * *

It is not to the British principle (of alle-

giance), objectionable as it is, that we are alone to look; it is to her practice, no matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is in vain to set up the plea of necessity, and to allege that she cannot exist without the impressment of HER seamen. The naked truth is, she comes, by her press-gangs, on board of our vessels, seizes OUR native as well as naturalized seamen, and drags them into her service. It is the case, then, of the assertion of an erroneous principle, and of a practice not conformable to the asserted principle—a principle which, if it were theoretically right, must be forever practically wrong—a practice which can obtain countenance from no principle whatever, and to submit to which, on our part, would betray the most abject degradation. We are told, by gentlemen in the opposition, that government has not done all that was incumbent on it to do, to avoid just cause of complaint on the part of Great Britain; that in particular the certificates of protection, authorized by the act of 1796, are fraudulently used. Sir, government has done too much in granting those paper protections. I can never think of them without being shocked. They

resemble the passes which the master grants to his negro slave: "Let the bearer, Mungo, pass and repass without molestation." What do they imply? That Great Britain has a right to seize all who are not provided with them. From their very nature, they must be liable to abuse on both sides. If Great Britain desires a mark, by which she can know her own subjects, let her give them an ear-mark. The colors that float from the mast-head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule that all who sail under the flag (not being enemies), are protected by the flag. It is impossible that this country should ever abandon the gallant tars who have won for us such splendid trophies. Let me suppose that the genius of Columbia should visit one of them in his oppressor's prison, and attempt to reconcile him to his forlorn and wretched condition. She would say to him, in the language of gentlemen on the other side: "Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her, by peaceable means, to release you; but I cannot, my son, fight for you." If

he did not consider this mere mockery, the poor tar would address her judgment and say: "You owe me, my country, protection; I owe you, in return, obedience. I am no British subject; I am a native of old Massachusetts, where lived my aged father, my wife, my children. I have faithfully discharged my duty. Will you refuse to do yours?" Appealing to her passions, he would continue: "I lost this eye in fighting under Truxton, with the *Insurgente*; I got this scar before Tripoli; I broke this leg on board the *Constitution*, when the *Guerrière* struck." * * * I will not imagine the dreadful catastrophe to which he would be driven by an abandonment of him to his oppressor. It will not be, it cannot be, that his country will refuse him protection. * * *

An honorable peace is attainable only by an efficient war. My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or at Halifax. We are told that England is a proud and lofty nation, which, disdaining to wait for danger, meets it half way. Haughty as she is we

triumphed over her once, and, if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but, if we fail, let us fail like men, lash ourselves to our gallant tars, and expire together in one common struggle, fighting for FREE TRADE AND SEAMEN'S RIGHTS.

IV.

THE RISE OF NATIONALITY.

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THE RISE OF NATIONALITY.

In spite of execrable financial management, of the criminal blunders of political army officers, and of consequent defeats on land, and quite apart from brilliant sea-fights and the New Orleans victory, the war of 1812 was of incalculable benefit to the United States. It marks more particularly the point at which the already established democracy began to shade off into a real nationality.

The Democratic party began its career as a States-rights party. Possession of national power had so far modified the practical operation of its tenets that it had not hesitated to carry out a national policy, and even wage a desperate war, in flat opposition to the will of one section of the Union, comprising five of its most influential States; and, when the Hartford

Convention was suspected of a design to put the New England opposition to the war into a forcible veto, there were many indications that the dominant party was fully prepared to answer by a forcible materialization of the national will. In the North and West, at least, the old States-rights formulas never carried a real vitality beyond the war of 1812. Men still spoke of "sovereign States," and prided themselves on the difference between the "voluntary union of States" and the effete despotisms of Europe; but the ghost of the Hartford Convention had laid very many more dangerous ghosts in the section in which it had appeared.

The theatre of the war, now filled with comfortable farms and populous cities, was then less known than the Territories of Idaho and Arizona are in 1884. There were no roads, and the transportation of provisions for the troops, of guns, ammunition, and stores for the lake navies, was one of the most difficult of the problems which the National Government was called upon to solve. It cannot be said that

the solution was successfully reached, for the blunders in transportation were among the most costly, exasperating, and dangerous of the war. But the efforts to reach it provided the impulse which soon after resulted in the settlement of Western New York, the appearance of the germs of such flourishing cities as Buffalo, Rochester, and Syracuse, the opening up of the Southwest Territory, between Tennessee and New Orleans, and the rapid admission of the new States of Indiana, Illinois, Mississippi, and Missouri. But the impulse did not stop here. The inconveniences and dangers arising from the possession of a vast territory with utterly inadequate means of communication had been brought so plainly to public view by the war that the question of communication influenced politics in every direction. In New York it took shape in the construction of the Erie Canal (finished in 1825). In States farther west and south, the loaning of the public credit to enterprises of the nature of the Erie Canal increased until the panic of 1837 introduced

"repudiation" into American politics. In national politics, the necessity of a general system of canals and roads, as a means of military defence, was at first admitted by all, even by Calhoun, was gradually rejected by the stricter constructionists of the Constitution, and finally became a tenet of the National Republican party, headed by John Quincy Adams and Clay (1825-29), and of its greater successor the Whig party, headed by Clay. This idea of Internal Improvements at national expense, though suggested by Gallatin and Clay in 1806–08, only became a political question when the war had forced it upon public attention; and it has not yet entirely disappeared.

The maintenance of such a system required money, and a high tariff of duties on imports was a necessary concomitant to Internal Improvements. The germ of this system was also a product of the war of 1812. Hamilton had proposed it twenty years before; and the first American tariff act had declared that its object was the encouragement of American manufac-

tures. But the system had never been effectively introduced until the war and the blockade had forced American manufactures into existence. Peace brought competition with British manufacturers, and the American manufacturers began to call for protection. The tariff of 1816 contained the principle of Protection, but only carried it into practice far enough to induce the manufacturers to rely on the dominant party for more of it. This expectation, rather than the Federalist opposition to the war, is the explanation of the immediate and rapid decline of the Federal party in New England. Continued effort brought about the tariff of 1824, which was more protective; the tariff of 1828, which was still more protective; and the tariff of 1830, which reduced the protective element to a system.

The two sections, North and South, had been very much alike until the war called the principle of growth into activity. The slave system of labor, which had fallen in the North and had survived and been made still more

profitable in the South by Whitney's invention of the cotton gin in 1793, shut the South off from almost all share in the new life. That section had a monopoly of the cotton culture, and the present profit of slave labor blinded it to the ultimate consequences of it. The slave was fit for rude agriculture alone; he could not be employed in manufactures, or in any labor which required intelligence; and the slave-owner, while he desired manufactures, did not dare to cultivate the necessary intelligence in his own slaves. The South could therefore find no profit in protection, and yet it could not with dignity admit that its slave system precluded it from the advantages of protection, or base its opposition to protection wholly on economic grounds. Its only recourse was the constitutional ground of the lack of power of Congress to pass a protective tariff, and this brought up again the question which had evolved the Kentucky resolutions of 1798–9. Calhoun, with pitiless logic, developed them into a scheme of constitutional Nullification. Under his lead,

South Carolina, in 1832, declared through her State Convention that the protective tariff acts were no law, nor binding on the State, its officers or citizens. President Jackson, while he was ready and willing to suppress any such rebellion by force, was not sorry to see his adherents in Congress make use of it to overthrow protection; and a "compromise tariff," to which the protectionists agreed, was passed in 1833. It reduced the duties by an annual percentage for ten years. The nullifiers claimed this as a triumph, and formally repealed the ordinance of nullification, as if it had accomplished its object. But, in its real intent, it had failed wretchedly. It had asserted State sovereignty through the State's proper voice of a convention. When the time fixed for the execution of the ordinance arrived, Jackson's intention of taking the State's sovereignty by the throat had become so evident that an unofficial meeting of nullifiers suspended the ordinance until the passage of the compromise tariff had made it unnecessary. For the first time, the force of a

State and the national force had approached threateningly near collision, and no State ever tried it again. When the tariff of 1842 re-introduced the principle of protection, no one thought of taking the broken weapon of nullification from its resting-place; and secession was finally attempted only as a sectional movement, not as the expression of the will of a State, but as a concerted revolution by a number of States. It seems certain that nationality had attained force enough, even in 1833, to have put State sovereignty forever under its feet; and that but for the cohesive sectional force of slavery and its interests, the development of nationality would have been undisputed for the future.

New conditions were increasing the growth of the North and West, and their separation from the South in national life, even when nullification was in its death struggle. The acquisition of Louisiana in 1803 had been followed in 1807 by Fulton's invention of the steamboat, the most important factor in carrying immigra-

tion into the new territories and opening them up to settlement. But the steamboat could not quite bridge over the gap between the Alleghanies and the Mississippi. Internal improvements, canals, and improved roads were not quite the instrument that was needed. It was found at last in the introduction of the railway into the United States in 1830–32. This proved to be an agent which could solve every difficulty except its own. It could bridge over every gap; it could make profit of its own, and make profitable that which had before been unprofitable. It placed immigrants where the steamboat, canal, and road could at last be of the highest utility to them; it developed the great West with startling rapidity; it incrcased the sale of government lands so rapidly that in a few years the debt of the United States was paid off, and the surplus became, for the first time, a source of political embarrassment. In a few years further, aided by revolutionary troubles in Europe, immigration became a great stream, which poured into and altered the con-

ditions of every part of the North and West. The stream was altogether nationalizing in its nature. The immigrant came to the United States, not to a particular State. To him, the country was greater than any State; even that of his adoption. Labor conditions excluded the South from this element of progress also. Not only were the railroads of the South hampered in every point by the old difficulty of slave labor; immigration and free labor shunned slave soil as if the plague were there prevalent. Year after year the North and West became more national in their prejudices and modes of thought and action; while the South remained little changed, except by a natural reactionary drift toward a more extreme colonialism. The natural result, in the next period was the development of a *quasi* nationality in the South itself.

The introduction of the railway had brought its own difficulties, though these were not felt severely until after years. In the continent of Europe, the governments carefully retained

their powers of eminent domain when the new system was introduced. The necessary land was loaned to the railways for a term of years, at the expiration of which the railway was to revert to the State; and railway troubles were non-existent, or comparatively tractable. In the United States, as in Great Britain, free right of incorporation was supplemented by what was really a gift of the power of eminent domain. The necessary land became the property of the corporations in fee, and it has been found almost equally difficult to revoke the gift or to introduce a railway control.

Democracy took a new and extreme line of development under its alliance with nationality. As the dominant party, about 1827–8, became divided into two parties, the new parties felt the democratic influence as neither of their predecessors had felt it. Nominations, which had been made by cliques of legislators or Congressmen, began to be made by popular delegate conventions about 1825. Before 1835, national, State, and local conventions had been

united into parties of the modern type. With them came the *pseudo* democratic idea of "rotation in office," introduced into national politics by President Jackson, in 1829, and adopted by succeeding administrations. There were also some attempts to do away with the electoral system, and to make the federal judiciary elective, or to impose on it some other term of office than good behavior; but these had neither success nor encouragement.

The financial errors of the war of 1812 had fairly compelled the re-establishment of the Bank of the United States in 1816, with a charter for twenty years, and the control of the deposits of national revenue. Soon after Jackson's inauguration, the managers of the new democratic party came into collision with the bank on the appointment of a subordinate agent. It very soon became evident that the bank could not exist in the new political atmosphere. It was driven into politics; a new charter was vetoed in 1832; and after one of the bitterest struggles of our history, the bank

ceased to exist as a government institution in 1836. The reason for its fall, however disguised by attendant circumstances, was really its lack of harmony with the national-democratic environment which had overtaken it.

The anti-slavery agitation, which began in 1830, was as evidently a product of the new phase of democracy, but will fall more naturally under the next period.

Webster's reply to Hayne has been taken as the best illustration of that thoroughly national feeling which was impossible before the war of 1812, and increasingly more common after it. It has been necessary to preface it with Hayne's speech, in order to have a clear understanding of parts of Webster's; but it has not been possible to omit Calhoun's speech, as a defence of his scheme of nullification, and as an exemplification of the reaction toward colonialism with which the South met the national development. It has not seemed necessary to include examples of the orations called forth by the temporary political issues of the time.

JOHN C. CALHOUN,

OF SOUTH CAROLINA.

(BORN 1782, DIED 1850.)

ON NULLIFICATION AND THE FORCE BILL, IN THE UNITED STATES SENATE, FEB. 15, 1833.

MR. PRESIDENT:

At the last session of Congress, it was avowed on all sides that the public debt, as to all practical purposes, was in fact paid, the small surplus remaining being nearly covered by the money in the Treasury and the bonds for duties which had already accrued; but with the arrival of this event our last hope was doomed to be disappointed. After a long session of many months, and the most earnest effort on the part of South Carolina and the other Southern States to obtain relief, all that could be effected was a small reduction in the amount of the duties, but a reduction of such a character that, while it diminished the

amount of burden, it distributed that burden more unequally than even the obnoxious act of 1828; reversing the principle adopted by the bill of 1816, of laying higher duties on the unprotected than the protected articles, by repealing almost entirely the duties laid upon the former, and imposing the burden almost entirely on the latter. It was thus that, instead of relief—instead of an equal distribution of burdens and benefits of the government, on the payment of the debt, as had been fondly anticipated,—the duties were so arranged as to be, in fact, bounties on one side and taxation on the other; thus placing the two great sections of the country in direct conflict in reference to its fiscal action, and thereby letting in that flood of political corruption which threatens to sweep away our Constitution and our liberty.

This unequal and unjust arrangement was pronounced, both by the administration, through its proper organ, the Secretary of the Treasury, and by the opposition, to be a *permanent* adjustment; and it was thus that all hope of relief through the action of the General Government terminated; and the crisis so long apprehended at length arrived, at which

the State was compelled to choose between absolute acquiescence in a ruinous system of oppression, or a resort to her reserved powers—powers of which she alone was the rightful judge, and which only, in this momentous juncture, could save her. She determined on the latter.

The consent of two thirds of her Legislature was necessary for the call of a convention, which was considered the only legitimate organ through which the people, in their sovereignty, could speak. After an arduous struggle the States-right party succeeded; more than two thirds of both branches of the Legislature favorable to a convention were elected; a convention was called—the ordinance adopted. The convention was succeeded by a meeting of the Legislature, when the laws to carry the ordinance into execution were enacted—all of which have been communicated by the President, have been referred to the Committee on the Judiciary, and this bill is the result of their labor.

Having now corrected some of the prominent misrepresentations as to the nature of this controversy, and given a rapid sketch of the movement of the State in reference to it, I will

next proceed to notice some objections connected with the ordinance and the proceedings under it.

The first and most prominent of these is directed against what is called the test oath, which an effort has been made to render odious. So far from deserving the denunciation that has been levelled against it, I view this provision of the ordinance as but the natural result of the doctrines entertained by the State, and the position which she occupies. The people of Carolina believe that the Union is a union of States, and not of individuals; that it was formed by the States, and that the citizens of the several States were bound to it through the acts of their several States; that each State ratified the Constitution for itself, and that it was only by such ratification of a State that any obligation was imposed upon its citizens. Thus believing, it is the opinion of the people of Carolina that it belongs to the State which has imposed the obligation to declare, in the last resort, the extent of this obligation, as far as her citizens are concerned; and this upon the plain principles which exist in all analogous cases of compact between sovereign bodies. On this principle the people of the State, act-

ing in their sovereign capacity in convention, precisely as they did in the adoption of their own and the Federal Constitution, have declared, by the ordinance, that the acts of Congress which imposed duties under the authority to lay imposts, were acts not for revenue, as intended by the Constitution, but for protection, and therefore null and void. The ordinance thus enacted by the people of the State themselves, acting as a sovereign community, is as obligatory on the citizens of the State as any portion of the Constitution. In prescribing, then, the oath to obey the ordinance, no more was done than to prescribe an oath to obey the Constitution. It is, in fact, but a particular oath of allegiance, and in every respect similar to that which is prescribed, under the Constitution of the United States, to be administered to all the officers of the State and Federal Governments; and is no more deserving the harsh and bitter epithets which have been heaped upon it than that or any similar oath. It ought to be borne in mind that, according to the opinion which prevails in Carolina, the right of resistance to the unconstitutional acts of Congress belongs to the State, and not to her individual citizens; and that, though the

latter may, in a mere question of *meum* and *tuum*, resist through the courts an unconstitutional encroachment upon their rights, yet the final stand against usurpation rests not with them, but with the State of which they are members; and such act of resistance by a State binds the conscience and allegiance of the citizen. But there appears to be a general misapprehension as to the extent to which the State has acted under this part of the ordinance. Instead of sweeping every officer by a general proscription of the minority, as has been represented in debate, as far as my knowledge extends, not a single individual has been removed. The State has, in fact, acted with the greatest tenderness, all circumstances considered, toward citizens who differed from the majority; and, in that spirit, has directed the oath to be administered only in the case of some official act directed to be performed in which obedience to the ordinance is involved. * * *

It is next objected that the enforcing acts have legislated the United States out of South Carolina. I have already replied to this objection on another occasion, and will now but repeat what I then said: that they have been legislated out only to the extent that they had

no right to enter. The Constitution has admitted the jurisdiction of the United States within the limits of the several States only so far as the delegated powers authorize; beyond that they are intruders, and may rightfully be expelled; and that they have been efficiently expelled by the legislation of the State through her civil process, as has been acknowledged on all sides in the debate, is only a confirmation of the truth of the doctrine for which the majority in Carolina have contended.

The very point at issue between the two parties there is, whether nullification is a peaceful and an efficient remedy against an unconstitutional act of the General Government, and may be asserted, as such, through the State tribunals. Both parties agree that the acts against which it is directed are unconstitutional and oppressive. The controversy is only as to the means by which our citizens may be protected against the acknowledged encroachments on their rights. This being the point at issue between the parties, and the very object of the majority being an efficient protection of the citizens through the State tribunals, the measures adopted to enforce the ordinance, of course received the most decisive character. We were

not children, to act by halves. Yet for acting thus efficiently the State is denounced, and this bill reported, to overrule, by military force, the civil tribunal and civil process of the State! Sir, I consider this bill, and the arguments which have been urged on this floor in its support, as the most triumphant acknowledgment that nullification is peaceful and efficient, and so deeply intrenched in the principles of our system, that it cannot be assailed but by prostrating the Constitution, and substituting the supremacy of military force in lieu of the supremacy of the laws. In fact, the advocates of this bill refute their own argument. They tell us that the ordinance is unconstitutional; that it infracts the constitution of South Carolina, although, to me, the objection appears absurd, as it was adopted by the very authority which adopted the constitution itself. They also tell us that the Supreme Court is the appointed arbiter of all controversies between a State and the General Government. Why, then, do they not leave this controversy to that tribunal? Why do they not confide to them the abrogation of the ordinance, and the laws made in pursuance of it, and the assertion of that supremacy which they claim for the laws

of Congress? The State stands pledged to resist no process of the court. Why, then, confer on the President the extensive and unlimited powers provided in this bill? Why authorize him to use military force to arrest the civil process of the State? But one answer can be given: That, in a contest between the State and the General Government, if the resistance be limited on both sides to the civil process, the State, by its inherent sovereignty, standing upon its reserved powers, will prove too powerful in such a controversy, and must triumph over the Federal Government, sustained by its delegated and limited authority; and in this answer we have an acknowledgment of the truth of those great principles for which the State has so firmly and nobly contended. * * *

Notwithstanding all that has been said, I may say that neither the Senator from Delaware (Mr. Clayton), nor any other who has spoken on the same side, has directly and fairly met the great question at issue: Is this a Federal Union? a union of States, as distinct from that of individuals? Is the sovereignty in the several States, or in the American people in the aggregate? The very language which we are compelled to use when speaking of our

political institutions, affords proof conclusive as to its real character. The terms union, federal, united, all imply a combination of sovereignties, a confederation of States. They never apply to an association of individuals. Who ever heard of the United State of New York, of Massachusetts, or of Virginia? Who ever heard the term federal or union applied to the aggregation of individuals into one community? Nor is the other point less clear—that the sovereignty is in the several States, and that our system is a union of twenty-four sovereign powers, under a constitutional compact, and not of a divided sovereignty between the States severally and the United States? In spite of all that has been said, I maintain that sovereignty is in its nature indivisible. It is the supreme power in a State, and we might just as well speak of half a square, or half of a triangle, as of half a sovereignty. It is a gross error to confound the *exercise* of sovereign powers with *sovereignty* itself, or the *delegation* of such powers with the *surrender* of them. A sovereign may delegate his powers to be exercised by as many agents as he may think proper, under such conditions and with such limitations as he may im-

pose; but to surrender any portion of his sovereignty to another is to annihilate the whole. The Senator from Delaware (Mr. Clayton) calls this metaphysical reasoning, which he says he cannot comprehend. If by metaphysics he means that scholastic refinement which makes distinctions without difference, no one can hold it in more utter contempt than I do; but if, on the contrary, he means the power of analysis and combination—that power which reduces the most complex idea into its elements, which traces causes to their first principle, and, by the power of generalization and combination, unites the whole in one harmonious system—then, so far from deserving contempt, it is the highest attribute of the human mind. It is the power which raises man above the brute—which distinguishes his faculties from mere sagacity, which he holds in common with inferior animals. It is this power which has raised the astronomer from being a mere gazer at the stars to the high intellectual eminence of a Newton or a Laplace, and astronomy itself from a mere observation of insulated facts into that noble science which displays to our admiration the system of the universe. And shall this high power of the mind, which has effected

such wonders when directed to the laws which control the material world, be forever prohibited, under a senseless cry of metaphysics, from being applied to the high purposes of political science and legislation? I hold them to be subject to laws as fixed as matter itself, and to be as fit a subject for the application of the highest intellectual power. Denunciation may, indeed fall upon the philosophical inquirer into these first principles, as it did upon Galileo and Bacon, when they first unfolded the great discoveries which have immortalized their names; but the time will come when truth will prevail in spite of prejudice and denunciation, and when politics and legislation will be considered as much a science as astronomy and chemistry.

In connection with this part of the subject, I understood the Senator from Virginia (Mr. Rives) to say that sovereignty was divided, and that a portion remained with the States severally, and that the residue was vested in the Union. By Union, I suppose the Senator meant the United States. If such be his meaning—if he intended to affirm that the sovereignty was in the twenty-four States, in whatever light he may view them, our opinions will not disagree; but according to my con-

ception, the whole sovereignty is in the several States, while the exercise of sovereign power is divided—a part being exercised under compact, through this General Government, and the residue through the separate State Governments. But if the Senator from Virginia (Mr. Rives) means to assert that the twenty-four States form but one community, with a single sovereign power as to the objects of the Union, it will be but the revival of the old question, of whether the Union is a union between States, as distinct communities, or a mere aggregate of the American people, as a mass of individuals; and in this light his opinions would lead directly to consolidation. * * *

Disguise it as you may, the controversy is one between power and liberty; and I tell the gentlemen who are opposed to me, that, as strong as may be the love of power on their side, the love of liberty is still stronger on ours. History furnishes many instances of similar struggles, where the love of liberty has prevailed against power under every disadvantage, and among them few more striking than that of our own Revolution; where, as strong as was the parent country, and feeble as were the colonies, yet, under the impulse of liberty, and the

blessing of God, they gloriously triumphed in the contest. There are, indeed, many striking analogies between that and the present controversy. They both originated substantially in the same cause—with this difference—in the present case, the power of taxation is converted into that of regulating industry; in the other, the power of regulating industry, by the regulation of commerce, was attempted to be converted into the power of taxation. Were I to trace the analogy further, we should find that the perversion of the taxing power, in the one case, has given precisely the same control to the Northern section over the industry of the Southern section of the Union, which the power to regulate commerce gave to Great Britain over the industry of the colonies in the other; and that the very articles in which the colonies were permitted to have a free trade, and those in which the mother-country had a monopoly, are almost identically the same as those in which the Southern States are permitted to have a free trade by the act of 1832, and in which the Northern States have, by the same act, secured a monopoly. The only difference is in the means. In the former, the colonies were permitted to have a free trade with all

countries south of Cape Finisterre, a cape in the northern part of Spain; while north of that, the trade of the colonies was prohibited, except through the mother-country, by means of her commercial regulations. If we compare the products of the country north and south of Cape Finisterre, we shall find them almost identical with the list of the protected and unprotected articles contained in the list of last year. Nor does the analogy terminate here. The very arguments resorted to at the commencement of the American Revolution, and the measures adopted, and the motives assigned to bring on that contest (to enforce the law), are almost identically the same.

But to return from this digression to the consideration of the bill. Whatever difference of opinion may exist upon other points, there is one on which I should suppose there can be none; that this bill rests upon principles which, if carried out, will ride over State sovereignties, and that it will be idle for any advocates hereafter to talk of State rights. The Senator from Virginia (Mr. Rives) says that he is the advocate of State rights; but he must permit me to tell him that, although he may differ in premises from the other gentlemen with whom he acts

on this occasion, yet, in supporting this bill, he obliterates every vestige of distinction between him and them, saving only that, professing the principles of '98, his example will be more pernicious than that of the most open and bitter opponent of the rights of the States. I will also add, what I am compelled to say, that I must consider him (Mr. Rives) as less consistent than our old opponents, whose conclusions were fairly drawn from their premises, while his premises ought to have led him to opposite conclusions. The gentleman has told us that the new-fangled doctrines, as he chooses to call them, have brought State rights into disrepute. I must tell him, in reply, that what he calls new-fangled are but the doctrines of '98; and that it is he (Mr. Rives), and others with him, who, professing these doctrines, have degraded them by explaining away their meaning and efficacy. He (Mr. R.) has disclaimed, in behalf of Virginia, the authorship of nullification. I will not dispute that point. If Virginia chooses to throw away one of her brightest ornaments, she must not hereafter complain that it has become the property of another. But while I have, as a representative of Carolina, no right to complain of the disavowal of the Sena-

tor from Virginia, I must believe that he (Mr. R.) has done his native State great injustice by declaring on this floor, that when she gravely resolved, in '98, that "in cases of deliberate and dangerous infractions of the Constitution, the States, as parties to the compact, have the right, and are in duty bound, to interpose to arrest the progress of the evil, and to maintain within their respective limits the authorities, rights, and liberties appertaining to them," she meant no more than to proclaim the right to protest and to remonstrate. To suppose that, in putting forth so solemn a declaration, which she afterward sustained by so able and elaborate an argument, she meant no more than to assert what no one had ever denied, would be to suppose that the State had been guilty of the most egregious trifling that ever was exhibited on so solemn an occasion.

ROBERT Y. HAYNE,

OF SOUTH CAROLINA.

(BORN 1791, DIED 1839.)

ON MR. FOOT'S RESOLUTION IN THE UNITED STATES SENATE, JAN. 21, 1830.

MR. SPEAKER:

Mr. Hayne said, when he took occasion, two days ago, to throw out some ideas with respect to the policy of the government in relation to the public lands, nothing certainly could have been further from his thoughts than that he should have been compelled again to throw himself upon the indulgence of the Senate. Little did I expect, said Mr. H., to be called upon to meet such an argument as was yesterday urged by the gentleman from Massachusetts (Mr. Webster). Sir, I question no man's opinions; I impeach no man's motives; I charged no party, or State, or section of country with hostility to any other, but ventured, as I thought,

in a becoming spirit, to put forth my own sentiments in relation to a great national question of public policy. Such was my course. The gentleman from Missouri (Mr. Benton), it is true, had charged upon the Eastern States an early and continued hostility toward the West, and referred to a number of historical facts and documents in support of that charge. Now, sir, how have these different arguments been met? The honorable gentleman from Massachusetts, after deliberating a whole night upon his course, comes into this chamber to vindicate New England; and instead of making up his issue with the gentleman from Missouri, on the charges which *he had preferred*, chooses to consider me as the author of those charges, and losing sight entirely of that gentleman, selects me as his adversary, and pours out all the vials of his mighty wrath upon my devoted head. Nor is he willing to stop there. He goes on to assail the institutions and policy of the South, and calls in question the principles and conduct of the State which I have the honor to represent. When I find a gentleman of mature age and experience, of acknowledged talents and profound sagacity, pursuing a course like this, declining the contest offered from the West,

and making war upon the unoffending South, I must believe, I am bound to believe, he has some object in view which he has not ventured to disclose. Mr. President, why is this? Has the gentleman discovered in former controversies with the gentleman from Missouri, that he is overmatched by that senator? And does he hope for an easy victory over a more feeble adversary? Has the gentleman's distempered fancy been disturbed by gloomy forebodings of "new alliances to be formed," at which he hinted? Has the ghost of the murdered coalition come back, like the ghost of Banquo, to "sear the eyeballs" of the gentleman, and will not down at his bidding? Are dark visions of broken hopes, and honors lost forever, still floating before his heated imagination? Sir, if it be his object to thrust me between the gentleman from Missouri and himself, in order to rescue the East from the contest it has provoked with the West, he shall not be gratified. Sir, I will not be dragged into the defence of my friend from Missouri. The South shall not be forced into a conflict not its own. The gentleman from Missouri is able to fight his own battles. The gallant West needs no aid from the South to repel any attack which may be made

upon them from any quarter. Let the gentleman from Massachusetts controvert the facts and arguments of the gentleman from Missouri, if he can—and if he win the victory, let him wear the honors; I shall not deprive him of his laurels. * * *

Sir, any one acquainted with the history of parties in this country will recognize in the points now in dispute between the Senator from Massachusetts and myself the very grounds which have, from the beginning, divided the two great parties in this country, and which (call these parties by what names you will, and *amalgamate* them as you may) will divide them forever. The true distinction between those parties is laid down in a celebrated manifesto issued by the convention of the Federalists of Massachusetts, assembled in Boston, in February, 1824, on the occasion of organizing a party opposition to the re-election of Governor Eustis. The gentleman will recognize this as "the canonical book of political scripture"; and it instructs us that, when the American colonies redeemed themselves from British bondage, and became so many *independent nations*, they proposed to form a NATIONAL UNION (not a *Federal* Union, sir, but a NATIONAL UNION).

Those who were in favor of a union of the States in this form became known by the name of Federalists; those who wanted no union of the States, or disliked the proposed form of union, became known by the name of Anti-Federalists. By means which need not be enumerated, the Anti-Federalists became (after the expiration of twelve years) our national rulers, and for a period of sixteen years, until the close of Mr. Madison's administration in 1817, continued to exercise the exclusive direction of our public affairs. Here, sir, is the true history of the origin, rise, and progress of the party of National Republicans, who date back to the very origin of the Government, and who then, as now, chose to consider the Constitution as having created not a Federal, but a National, Union; who regarded "consolidation" as no evil, and who doubtless consider it "a consummation to be wished" to build up a great "central government," "one and indivisible." Sir, there have existed, in every age and every country, two distinct orders of men—the *lovers of freedom* and the devoted *advocates of power*.

The same great leading principles, modified only by the peculiarities of manners, habits, and institutions, divided parties in the ancient

republics, animated the Whigs and Tories of Great Britain, distinguished in our own times the Liberals and Ultras of France, and may be traced even in the bloody struggles of unhappy Spain. Sir, when the gallant Riego, who devoted himself and all that he possessed to the liberties of his country, was dragged to the scaffold, followed by the tears and lamentations of every lover of freedom throughout the world, he perished amid the deafening cries of "Long live the absolute king!" The people whom I represent, Mr. President, are the descendants of those who brought with them to this country, as the most precious of their possessions, "an ardent love of liberty"; and while that shall be preserved, they will always be found manfully struggling against the *consolidation of the Government* AS THE WORST OF EVILS. * * *

Who, then, Mr. President, are the true friends of the Union? Those who would confine the Federal Government strictly within the limits prescribed by the Constitution; who would preserve to the States and the people all powers not expressly delegated; who would make this a Federal and not a National Union, and who, administering the Government in a spirit of equal justice, would make it a blessing, and not

a curse. And who are its enemies? Those who are in favor of consolidation; who are constantly stealing power from the States, and adding strength to the Federal Government; who, assuming an unwarrantable jurisdiction over the States and the people, undertake to regulate the whole industry and capital of the country. But, sir, of all descriptions of men, I consider those as the worst enemies of the Union, who sacrifice the equal rights which belong to every member of the confederacy to combinations of interested majorities for personal or political objects. But the gentleman apprehends no evil from the dependence of the States on the Federal Government; he can see no danger of corruption from the influence of money or patronage. Sir, I know that it is supposed to be a wise saying that "patronage is a source of weakness"; and in support of that maxim it has been said that "every ten appointments make a hundred enemies." But I am rather inclined to think, with the eloquent and sagacious orater now reposing on his laurels on the banks of the Roanoke, that "the power of conferring favors creates a crowd of dependents"; he gave a forcible illustration of the truth of the remark, when he told us of the

effect of holding up the savory morsel to the eager eyes of the hungry hounds gathered around his door. It mattered not whether the gift was bestowed on "Towzer" or "Sweetlips," "Tray," "Blanche," or "Sweetheart"; while held in suspense, they were all governed by a nod, and when the morsel was bestowed, the expectation of the favors of to-morrow kept up the subjection of to-day.

The Senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine, has attempted to throw ridicule upon the idea that a State has any constitutional remedy by the exercise of its sovereign authority, against "a gross, palpable, and deliberate violation of the Constitution." He calls it "an idle" or "a ridiculous notion," or something to that effect, and added, that it would make the Union a "mere rope of sand." Now, sir, as the gentleman has not condescended to enter into any examination of the question, and has been satisfied with throwing the weight of his authority into the scale, I do not deem it necessary to do more than to throw into the opposite scale the authority on which South Carolina relies; and there, for the present, I am perfectly willing to leave the controversy. The South Carolina

doctrine, that is to say, the doctrine contained in an exposition reported by a committee of the Legislature in December, 1828, and published by their authority, is the good old Republican doctrine of '98—the doctrine of the celebrated "Virginia Resolutions" of that year, and of "Madison's Report" of '99. It will be recollected that the Legislature of Virginia, in December, '98, took into consideration the alien and sedition laws, then considered by all Republicans as a gross violation of the Constitution of the United States, and on that day passed, among others, the following resolution :—

"The General Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States who are the parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil,

and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them."

In addition to the above resolution, the General Assembly of Virginia "appealed to the other States, in the confidence that they would concur with that commonwealth, that the acts aforesaid (the alien and sedition laws) are unconstitutional, and that the necessary and proper measures would be taken by each for coöperating with Virginia in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively, or to the people." * * *

But, sir, our authorities do not stop here. The State of Kentucky responded to Virginia, and on the 10th of November, 1798, adopted those celebrated resolutions, well known to have been penned by the author of the Declaration of American Independence. In those resolutions, the Legislature of Kentucky declare, "that the government created by this compact was not made the exclusive or final judge of the extent of the power delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has

an equal right to judge for itself as well of infractions as of the mode and measure of redress." * * *

Sir, at that day the whole country was divided on this very question. It formed the line of demarcation between the federal and republican parties; and the great political revolution which then took place turned upon the very questions involved in these resolutions. That question was decided by the people, and by that decision the Constitution was, in the emphatic language of Mr. Jefferson, "saved at its last gasp." I should suppose, sir, it would require more self-respect than any gentleman here would be willing to assume, to treat lightly doctrines derived from such high sources. Resting on authority like this, I will ask, gentlemen, whether South Carolina has not manifested a high regard for the Union, when, under a tyranny ten times more grievous than the alien and sedition laws, she has hitherto gone no further than to petition, remonstrate, and to solemnly protest against a series of measures which she believes to be wholly unconstitutional and utterly destructive of her interests. Sir, South Carolina has not gone one step further than Mr. Jefferson himself was disposed to

go, in relation to the present subject of our present complaints—not a step further than the statesmen from New England were disposed to go under similar circumstances; no further than the Senator from Massachusetts himself once considered as within "the limits of a constitutional opposition." The doctrine that it is the right of a State to judge of the violations of the Constitution on the part of the Federal Government, and to protect her citizens from the operations of unconstitional laws, was held by the enlightened citizens of Boston, who assembled in Faneuil Hall, on the 25th of January, 1809. They state, in that celebrated memorial, that "they looked only to the State Legislature, which was competent to devise relief against the unconstitutional acts of the General Government. That your power (say they) is adequate to that object, is evident from the organization of the confederacy." * * *

Thus it will be seen, Mr. President, that the South Carolina doctrine is the Republican doctrine of '98,—that it was promulgated by the fathers of the faith,—that it was maintained by Virginia and Kentucky in the worst of times,—that it constituted the very pivot on which the political revolution of that day

turned,—that it embraces the very principles, the triumph of which, at that time, saved the Constitution at its last gasp, and which New England statesmen were not unwilling to adopt when they believed themselves to be the victims of unconstitutional legislation. Sir, as to the doctrine that the Federal Government is the exclusive judge of the extent as well as the limitations of its power, it seems to me to be utterly subversive of the sovereignty and independence of the States. It makes but little difference, in my estimation, whether Congress or the Supreme Court are invested with this power. If the Federal Government, in all, or any, of its departments, is to prescribe the limits of its own authority, and the States are bound to submit to the decision, and are not to be allowed to examine and decide for themselves when the barriers of the Constitution shall be overleaped, this is practically "a government without limitation of powers." The States are at once reduced to mere petty corporations, and the people are entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina to resist the unconstitutional laws which Congress has extended over them,

she has kept steadily in view the preservation of the Union, by the only means by which she believes it can be long preserved—a firm, manly, and steady resistance against usurpation. The measures of the Federal Government have, it is true, prostrated her interests, and will soon involve the whole South in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest—a principle which, substituting the discretion of Congress for the limitations of the Constitution, brings the States and the people to the feet of the Federal Government, and leaves them nothing they can call their own. Sir, if the measures of the Federal Government were less oppressive, we should still strive against this usurpation. The South is acting on a principle she has always held sacred—resistance to unauthorized taxation. These, sir, are the principles which induced the immortal Hampden to resist the payment of a tax of twenty shillings. Would twenty shillings have ruined his fortune? No! but the payment of half of twenty shillings, on the principle on which it was demanded, would have made him a slave. Sir, if acting on these high motives—if animated by that ardent love

of liberty which has always been the most prominent trait in the Southern character, we would be hurried beyond the bounds of a cold and calculating prudence; who is there, with one noble and generous sentiment in his bosom, who would not be disposed, in the language of Burke, to exclaim, "You must pardon something to the spirit of liberty?"

DANIEL WEBSTER,

OF MASSACHUSETTS.

(BORN 1782, DIED 1852.)

IN REPLY TO HAYNE, IN THE UNITED STATES SENATE, JANUARY 26, 1830.

MR. PRESIDENT:

When the mariner has been tossed for many days in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude, and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and before we float further on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution before the Senate.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Public Lands

be instructed to inquire and report the quantity of public land remaining unsold within each State and Territory, and whether it be expedient to limit for a certain period the sales of the public lands to such lands only as have heretofore been offered for sale, and are now subject to entry at the minimum price. And, also, whether the office of Surveyor-General, and some of the land offices, may not be abolished without detriment to the public interest; or whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands.

We have thus heard, sir, what the resolution is which is actually before us for consideration; and it will readily occur to everyone, that it is almost the only subject about which something has not been said in the speech, running through two days, by which the Senate has been entertained by the gentleman from South Carolina. Every topic in the wide range of our public affairs, whether past or present—every thing, general or local, whether belonging to national politics or party politics—seems to have attracted more or less of the honorable member's attention, save only the resolution before the Senate. He has spoken of every thing but the public lands; they have escaped

his notice. To that subject, in all his excursions, he has not paid even the cold respect of a passing glance.

When this debate, sir, was to be resumed, on Thursday morning, it so happened that it would have been convenient for me to be elsewhere. The honorable member, however, did not incline to put off the discussion to another day. He had a shot, he said, to return, and he wished to discharge it. That shot, sir, which he thus kindly informed us was coming, that we might stand out of the way, or prepare ourselves to fall by it and die with decency, has now been received. Under all advantages, and with expectation awakened by the tone which preceded it, it has been discharged, and has spent its force. It may become me to say no more of its effect, than that, if nobody is found, after all, either killed or wounded, it is not the first time in the history of human affairs, that the vigor and success of the war have not quite come up to the lofty and sounding phrase of the manifesto.

The gentleman, sir, in declining to postpone the debate, told the Senate, with the emphasis of his hand upon his heart, that there was something rankling *here*, which he wished to

relieve. (Mr. Hayne rose, and disclaimed having used the word *rankling*.) It would not, Mr. President, be safe for the honorable member to appeal to those around him, upon the question whether he did in fact make use of that word. But he may have been unconscious of it. At any rate, it is enough that he disclaims it. But still, with or without the use of that particular word, he had yet something *here*, he said, of which he wished to rid himself by an immediate reply. In this respect, sir, I have a great advantage over the honorable gentleman. There is nothing *here*, sir, which gives me the slightest uneasiness; neither fear, nor anger, nor that which is sometimes more troublesome than either, the consciousness of having been in the wrong. There is nothing, either originating *here*, or now received *here* by the gentleman's shot. Nothing originating here, for I had not the slightest feeling of unkindness toward the honorable member. Some passages, it is true, had occurred since our acquaintance in this body, which I could have wished might have been otherwise; but I had used philosophy and forgotten them. I paid the honorable member the attention of listening with respect to his first speech; and when

he sat down, though surprised, and I must even say astonished, at some of his opinions, nothing was farther from my intention than to commence any personal warfare. Through the whole of the few remarks I made in answer, I avoided, studiously and carefully, every thing which I thought possible to be construed into disrespect. And, Sir, while there is thus nothing originating *here* which I have wished at any time, or now wish, to discharge, I must repeat, also, that nothing has been received *here* which *rankles*, or in any way gives me annoyance. I will not accuse the honorable member of violating the rules of civilized war; I will not say that he poisoned his arrows. But whether his shafts were, or were not, dipped in that which would have caused rankling if they had reached their destination, there was not, as it happened, quite strength enough in the bow to bring them to their mark. If he wishes now to gather up those shafts, he must look for them elsewhere; they will not be found fixed and quivering in the object at which they were aimed.

The honorable member complained that I slept on his speech. I must have slept on it, or not slept at all. The moment the honora-

ble member sat down, his friend from Missouri rose, and, with much honeyed commendation of the speech, suggested that the impressions which it had produced were too charming and delightful to be disturbed by other sentiments or other sounds, and proposed that the Senate should adjourn. Would it have been quite amiable in me, Sir, to interrupt this excellent good feeling? Must I not have been absolutely malicious, if I could have thrust myself forward, to destroy sensations thus pleasing? Was it not much better and kinder, both to sleep upon them myself, and to allow others also the pleasure of sleeping upon them? But if it be meant, by sleeping upon his speech, that I took time to prepare a reply to it, it is quite a mistake. Owing to other engagements, I could not employ even the interval between the adjournment of the Senate and its meeting the next morning, in attention to the subject of this debate. Nevertheless, Sir, the mere matter of fact is undoubtedly true. I did sleep on the gentleman's speech, and slept soundly. And I slept equally well on his speech of yesterday, to which I am now replying. It is quite possible that in this respect, also, I possess some advantage over the honorable

member, attributable, doubtless, to a cooler temperament on my part; for, in truth, I slept upon his speeches remarkably well.

But the gentleman inquires why HE was made the object of such a reply. Why was *he* singled out? If an attack has been made on the East, he, he assures us, did not begin it; it was made by the gentleman from Missouri. Sir, I answered the gentleman's speech because I happened to hear it; and because, also, I choose to give an answer to that speech, which, if unanswered, I thought most likely to produce injurious impressions. I did not stop to inquire who was the original drawer of the bill. I found a responsible indorser before me, and it was my purpose to hold him liable, and to bring him to his just responsibility without delay. But, sir, this interrogatory of the honorable member was only introductory to another. He proceeded to ask me whether I had turned upon him in this debate, from the consciousness that I should find an overmatch, if I ventured on a contest with his friend from Missouri. If, sir, the honorable member, *modestiæ gratia*, had chosen thus to defer to his friend, and to pay him compliments, without intentional disparagement to others, it would have been quite ac-

cording to the friendly courtesies of debate, and not at all ungrateful to my own feelings. I am not one of those, sir, who esteem any tribute of regard, whether light and occasional, or more serious and deliberate, which may be bestowed on others, as so much unjustly withholden from themselves. But the tone and the manner of the gentleman's question forbid me thus to interpret it. I am not at liberty to consider it as nothing more than a civility to his friend. It had an air of taunt and disparagement, something of the loftiness of asserted superiority, which does not allow me to pass it over without notice. It was put as a question for me to answer, and so put as if it were difficult for me to answer whether I deemed the member from Missouri an overmatch for myself in debate here. It seems to me, sir, that this is extraordinary language, and an extraordinary tone, for the discussions of this body.

Matches and overmatches! Those terms are more applicable elsewhere than here, and fitter for other assemblies than this. Sir, the gentleman seems to forget where and what we are. This is a Senate, a Senate of equals, of men of individual honor and personal character, and of absolute independence. We know no masters,

we acknowledge no dictators. This is a hall for mutual consultation and discussion; not an arena for the exhibition of champions. I offer myself, sir, as a match for no man; I throw the challenge of debate at no man's feet. But then, sir, since the honorable member has put the question in a manner that calls for an answer, I will give him an answer; and I tell him, that, holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from Missouri, either alone or when aided by the arm of his friend from South Carolina, that need deter even me from espousing whatever opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say, on the floor of the Senate. Sir, when uttered as matter of commendation or compliment, I should dissent from nothing which the honorable member might say of his friend. Still less do I put forth any pretensions of my own. But when put to me as a matter of taunt, I throw it back, and say to the gentleman, that he could possibly say nothing less likely than such a comparison to wound my pride of personal character. The anger of its tone rescued the remark from intentional irony,

which otherwise, probably, would have been its general acceptation. But, sir, if it be imagined by this mutual quotation and commendation; if it be supposed that, by casting the characters of the drama, assigning to each his part, to one the attack, to another the cry of onset; or if it be thought that, by a loud and empty vaunt of anticipated victory, any laurels are to be won here; if it be imagined, especially, that any, or all of these things will shake any purpose of mine, I can tell the honorable member, once for all, that he is greatly mistaken, and that he is dealing with one of whose temper and character he has yet much to learn. Sir, I shall not allow myself, on this occasion, I hope on no occasion, to be betrayed into any loss of temper; but if provoked, as I trust I never shall be, into crimination and recrimination, the honorable member may, perhaps, find that in that contest, there will be blows to take as well as blows to give; that others can state comparisons as significant, at least, as his own, and that his impunity may possibly demand of him whatever powers of taunt and sarcasm he may possess. I commend him to a prudent husbandry of his resources. * * *

On yet another point, I was still more unac-

countably misunderstood. The gentlemen had harangued against "consolidation." I told him, in reply, that there was one kind of consolidation to which I was attached, and that was the consolidation of our Union; that this was precisely that consolidation to which I feared others were not attached, and that such consolidation was the very end of the Constitution, the leading object, as they had informed us themselves, which its framers had kept in view. I turned to their communication, and read their very words, "the consolidation of the Union," and expressed my devotion to this sort of consolidation. I said, in terms, that I wished not in the slightest degree to augment the powers of this government; that my object was to preserve, not to enlarge; and that by consolidating the Union I understood no more than the strengthening of the Union, and perpetuating it. Having been thus explicit, having thus read from the printed book the precise words which I adopted, as expressing my own sentiments, it passes comprehension how any man could understand me as contending for an extension of the powers of the government, or for consolidation in that odious sense in which it means an accumulation, in the Federal Government, of the powers properly belonging to the States.

I repeat, sir, that, in adopting the sentiments of the framers of the Constitution, I read their language audibly, and word for word; and I pointed out the distinction, just as fully as I have now done, between the consolidation of the Union and that other obnoxious consolidation which I disclaim. And yet the honorable member misunderstood me. The gentleman had said that he wished for no fixed revenue, —not a shilling. If by a word he could convert the Capitol into gold, he would not do it. Why all this fear of revenue? Why, sir, because, as the gentleman told us, it tends to consolidation. Now this can mean neither more nor less than that a common revenue is a common interest, and that all common interests tend to preserve the union of the States. I confess I like that tendency; if the gentleman dislikes it, he is right in deprecating a shilling of fixed revenue. So much, sir, for consolidation. * * *

Professing to be provoked by what he chose to consider a charge made by me against South Carolina, the honorable member, Mr. President, has taken up a crusade against New England. Leaving altogether the subject of the public lands, in which his success, perhaps, had been neither distinguished nor satisfactory, and let-

ting go, also, of the topic of the tariff, he sallied forth in a general assault on the opinions, politics, and parties of New England, as they have been exibited in the last thirty years. * * *

New England has, at times, so argues the gentleman, held opinions as dangerous as those which he now holds. Suppose this were so; how should *he* therefore abuse New England? If he find himself countenanced by acts of hers, how is it that, while he relies on these acts, he covers, or seeks to cover, their authors with reproach? But, sir, if in the course of forty years, there have been undue effervescences of party in New England, has the same thing happened nowhere else? Party animosity and party outrage, not in New England, but elsewhere, denounced President Washington, not only as a Federalist, but as a Tory, a British agent, a man who in his high office sanctioned corruption. But does the honorable member suppose, if I had a tender here who should put such an effusion of wickedness and folly into my hand, that I would stand up and read it against the South? Parties ran into great heats again in 1799 and 1800. What was said, sir, or rather what was not said, in those years, against John

Adams, one of the committee that drafted the Declaration of Independence, and its admitted ablest defender on the floor of Congress? If the gentleman wishes to increase his stores of party abuse and frothy violence, if he has a determined proclivity to such pursuits, there are treasures of that sort south of the Potomac, much to his taste, yet untouched. I shall not touch them. * * * The gentleman's perveyors have only catered for him among the productions of one side. I certainly shall not supply the deficiency by furnishing him samples of the other. I leave to him, and to them, the whole concern. It is enough for me to say, that if, in any part of their grateful occupation, if, in all their researches, they find any thing in the history of Massachusetts, or of New England, or in the proceedings of any legislative or other public body, disloyal to the Union, speaking slightingly of its value, proposing to break it up, or recommending non-intercourse with neighboring States, on account of difference in political opinion, then, sir, I give them all up to the honorable gentleman's unrestrained rebuke; expecting, however, that he will extend his buffetings in like manner, *to all similar proceedings, wherever else found.* * * *

Mr. President, in carrying his warfare, such as it is, into New England, the honorable gentleman all along professes to be acting on the defensive. He chooses to consider me as having assailed South Carolina, and insists that he comes forth only as her champion, and in her defence. Sir, I do not admit that I made any attack whatever on South Carolina. Nothing like it. The honorable member, in his first speech, expressed opinions, in regard to revenue and some other topics, which I heard with both pain and surprise. I told the gentleman I was aware that such sentiments were entertained *out* of the Government, but had not expected to find them advanced in it; that I knew there were persons in the South who speak of our Union with indifference or doubt, taking pains to magnify its evils, and to say nothing of its benefits; that the honorable member himself, I was sure, could never be one of these; and I regretted the expression of such opinions as he had avowed, because I thought their obvious tendency was to encourage feelings of disrespect to the Union, and to impair its strength. This, sir, is the sum and substance of all I said on the subject. And this constitutes the attack which called on

the chivalry of the gentleman, in his own opinion, to harry us with such a foray among the party pamphlets and party proceedings in Massachusetts! If he means that I spoke with dissatisfaction or disrespect of the ebullitions of individuals in South Carolina, it is true. But if he means that I assailed the character of the State, her honor, or patriotism, that I reflected on her history or her conduct, he has not the slightest grounds for any such assumption. * * * I shall not acknowledge that the honorable member goes before me in regard for whatever of distinguished talent or distinguished character South Carolina has produced. I claim part of the honor, I partake in the pride of her great names. I claim them for my countrymen, one and all, the Laurenses, the Rutledges, the Pinckneys, the Sumpters, the Marions,—Americans all, whose fame is no more to be hemmed in by State lines than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation they served and honored the country, and the whole country; and their renown is of the treasures of the whole country. Him whose honored name the gentleman himself bears—does he esteem me less capable of

gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light of Massachusetts, instead of South Carolina? Sir, does he suppose it in his power to exhibit a Carolina name so bright as to produce envy in my bosom? No, sir; increased gratification and delight, rather. I thank God that, if I am gifted with little of the spirit which is able to raise mortals to the skies, I have yet none, as I trust, of that other spirit which would drag angels down. When I shall be found, sir, in my place here in the Senate, or elsewhere, to sneer at public merit, because it happens to spring up beyond the little limits of my own State or neighborhood; when I refuse, for any such cause, or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty and the country; or, if I see an uncommon endowment of Heaven, if I see extraordinary capacity and virtue, in any son of the South; and if, moved by local prejudices or gangrened by State jealousy, I get up here to abate the tithe of a hair from his just character and just fame, may my tongue cleave to the roof of my mouth!

Sir, let me recur to pleasing recollections;

let me indulge in refreshing remembrances of the past; let me remind you that, in early times, no States cherished greater harmony, both of principle and feeling, than Massachusetts and South Carolina. Would to God that harmony might again return! Shoulder to shoulder they went through the Revolution, hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feeling, if it exist, alienation, and distrust, are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

Mr. President, I shall enter upon no encomium of Massachusetts; she needs none. There she is. Behold her, and judge for yourselves. There is her history; the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain for ever. The bones of her sons, falling in the great struggle for Independence, now lie mingled with the soil of every State from New England to Georgia, and there they will lie forever. And, sir, where American Liberty raised its first voice, and where its youth was nurtured and sustained,

there it still lives, in the strength of its manhood, and full of its original spirit. If discord and disunion shall wound it, if party strife and blind ambition shall hawk and tear it, if folly and madness, if uneasiness under salutary and necessary restraint shall succeed in separating it from that Union, by which alone its existence is made sure, it will stand, in the end, by the side of that cradle in which its infancy was rocked; it will stretch forth its arm with whatever of vigor it may still retain, over the friends who gather round it; and it will fall at last, if fall it must, amidst the profoundest monuments of its own glory, and on the very spot of its origin.

There yet remains to be performed, Mr. President, by far the most grave and important duty which I feel to be devolved upon me by this occasion. It is to state, and to defend, what I conceive to be the true principles of the Constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those whose character and experience give weight and influence to their opinions, such as cannot possibly belong to mine. But,

sir, I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

I understand the honorable gentleman from South Carolina to maintain that it is a right of the State Legislatures to interfere whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right, as a right existing *under* the Constitution, not as a right to overthrow it on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority on the part of the States, thus to interfere, for the purpose of correcting the exercise of power by the General Government, of checking it and of compelling it to conform to their opinion of the extent of its powers.

I understand him to maintain, that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the General Government, or any branch of it; but that, on the contrary, the

States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the General Government transcends its power.

I understand him to insist, that, if the exigencies of the case, in the opinion of any State government, require it, such State government may, by its own sovereign authority, annul an act of the General Government which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it, and compare it with the Constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a State, has ever advanced these sentiments. I hope she has not, and never may. That a great majority of her people are opposed to the tariff laws, is doubtless true. That a majority, somewhat less than that just mentioned, conscientiously believe these laws unconstitutional, may probably also be true. But that any majority holds to the right of direct State interference at State discretion, the right

of nullifying acts of Congress by acts of State legislation, is more than I know, and what I shall be slow to believe.

That there are individuals besides the honorable gentleman who do maintain these opinions, is quite certain. I recollect the recent expression of a sentiment, which circumstances attending its utterance and publication justify us in supposing was not unpremeditated. "The sovereignty of the State,—never to be controlled, construed, or decided on, but by her own feelings of honorable justice."

[Mr. HAYNE here rose and said, that, for the purpose of being clearly understood, he would state that his proposition was in the words of the Virginia resolution as follows:—

"That this assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact. the States that are parties thereto

have the right, and are in duty bound to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them.

Mr. WEBSTER resumed :]

I am quite aware, Mr. President, of the existence of the resolution which the gentleman read, and has now repeated, and that he relies on it as his authority. I know the source, too, from which it is understood to have proceeded. I need not say that I have much respect for the constitutional opinions of Mr. Madison; they would weigh greatly with me always. But before the authority of his opinion be vouched for the gentleman's proposition, it will be proper to consider what is the fair interpretation of that resolution, to which Mr. Madison is understood to have given his sanction. As the gentleman construes it, it is an authority for him. Possibly, he may not have adopted the right construction. That resolution declares, that, *in the case of the dangerous exercise of powers not granted by the General Government, the States may interpose to arrest the progress of the evil.* But how interpose, and what does this declaration purport? Does

it mean no more than that there may be extreme cases, in which the people, in any mode of assembling, may resist usurpation, and relieve themselves from a tyrannical government? No one will deny this. Such resistance is not only acknowledged to be just in America, but in England also. Blackstone admits as much, in the theory, and practice, too, of the English Constitution. We, sir, who oppose the Carolina doctrine, do not deny that the people may, if they choose, throw off any government when it becomes oppressive and intolerable, and erect a better in its stead. We all know that civil institutions are established for the public benefit, and that when they cease to answer the ends of their existence they may be changed. But I do not understand the doctrine now contended for to be that, which, for the sake of distinction, we may call the right of revolution. I understand the gentleman to maintain, that, without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the General Government lies in a direct appeal to the interference of the State governments.

[Mr. HAYNE here arose and said: He did

not contend for the mere right of revolution, but for the right of constitutional resistance. What he maintained was, that in a case of plain, palpable violation of the Constitution by the General Government, a State may interpose; and that this interposition is constitutional.

Mr. WEBSTER resumed:]

So, sir, I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for is, that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity. The inherent right in the people to reform their government I do not deny; and they have another right, and that is, to resist unconstitutional laws, without overturning the government. It is no doctrine of mine that unconstitutional laws bind the people. The great question is, Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that, the main debate hinges. The proposition, that, in case of a supposed violation of the Constitution by

Congress, the States have a constitutional right to interfere and annul the law of Congress is the proposition of the gentleman. I do not admit it. If the gentleman had intended no more than to assert the right of revolution for justifiable cause, he would have said only what all agree to. But I cannot conceive that there can be a middle course, between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution or rebellion, on the other. I say, the right of a State to annul a law of Congress cannot be maintained, but on the ground of the inalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy, above the Constitution and in defiance of the Constitution, which may be resorted to when a revolution is to be justified. But I do not admit, that, under the Constitution and in conformity with it, there is any mode in which a State government, as a member of the Union, can interfere and stop the progress of the General Government, by force of her own laws, under any circumstances whatever.

This leads us to inquire into the origin of

this government and the source of its power. Whose agent is it? Is it the creature of the State Legislatures, or the creature of the people? If the Government of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify, or reform it. It is observable enough, that the docrine for which the honorable gentleman contends leads him to the necessity of maintaining, not only that this General Government is the creature of the States, but that it is the creature of each of the States, severally, so that each may assert the power for itself of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, sir, the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people. The people of the United States have declared that this Constitution shall be supreme law. We must either ad-

mit the proposition, or deny their authority. The States are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the State Legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the General Government, so far the grant is unquestionably good, and the Government holds of the people, and not of the State governments. We are all agents of the same supreme power, the people. The General Government and the State governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted, and the other general and residuary. The National Government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the State governments, or to the people themselves. So far as the people have restrained State sovereignty by the expression of their will, in the Constitution of the United States, so far, it must be admitted, State sovereignty is effectually controlled. I do not contend that it is, or ought to be, controlled farther. The sentiment to which I have re-

ferred propounds that State sovereignty is only to be controlled by its own "feeling of justice" —that is to say, it is not to be controlled at all, for one who is to follow his own feelings is under no legal control. Now, however men may think this ought to be, the fact is that the people of the United States have chosen to impose control on State sovereignties. There are those, doubtless, who wish they had been left without restraint; but the Constitution has ordered the matter differently. To make war, for instance, is an exercise of sovereignty; but the Constitution declares that no State shall make war. To coin money is another exercise of sovereign power; but no State is at liberty to coin money. Again, the Constitution says that no sovereign State shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the State sovereignty of South Carolina, as well as of the other States, which does not arise "from her own feelings of honorable justice." The opinion referred to, therefore, is in defiance of the plainest provisions of the Constitution.

There are other proceedings of public bodies which have already been alluded to, and to which I refer again, for the purpose of ascertaining

more fully what is the length and breadth of that doctrine denominated the Carolina doctrine, which the honorable member has now stood up on this floor to maintain. In one of them I find it resolved, that "the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of others, is contrary to the meaning and intention of the federal compact, and such a dangerous, palpable, and deliberate usurpation of power, by a determined majority, wielding the General Government beyond the limits of its delegated powers, as calls upon the States which compose the suffering minority, in their sovereign capacity, to exercise the powers which, as sovereigns, necessarily devolve upon them when their contract is violated."

Observe, sir, that this resolution holds the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of another, to be such a dangerous, palpable, and deliberate usurpation of power, as calls upon the States, in their sovereign capacity, to interfere by their own authority. This denunciation, Mr. President, you will please to observe, includes our old tariff of 1816, as well as all others; because that was established to pro-

mote the interest of the manufacturers of cotton, to the manifest and admitted injury of the Calcutta cotton trade. Observe, again, that all the qualifications are here rehearsed and charged upon the tariff, which are necessary to bring the case within the gentleman's proposition. The tariff is a usurpation; it is a dangerous usurpation; it is a palpable usurpation; it is a deliberate usurpation. It is such a usurpation, therefore, as calls upon the States to exercise their right of interference. Here is a case, then, within the gentleman's principles, and all his qualifications of his principles. It is a case for action. The Constitution is plainly, dangerously, palpably, and deliberately violated; and the States must interpose their own authority to arrest the law. Let us suppose the State of South Carolina to express the same opinion, by the voice of her Legislature. That would be very imposing; but what then? It so happens that, at the very moment, when South Carolina resolves that the tariff laws are unconstitutional, Pennsylvania and Kentucky resolve exactly the reverse. *They* hold those laws to be both highly proper and strictly constitutional. And now, sir, how does the honorable member propose to deal with this case? How

does he relieve us from this difficulty upon any principle of his? His construction gets us into it; how does he propose to get us out?

In Carolina the tariff is a palpable, deliberate usurpation; Carolina, therefore, may nullify it, and refuse to pay the duties. In Pennsylvania it is both clearly constitutional and highly expedient; and there the duties are to be paid. And yet we live under a government of uniform laws, and under a constitution, too, which contains an express provision, as it happens, that all duties shall be equal in all States. Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the States, is not the whole Union a rope of sand? Are we not thrown back again precisely upon the old Confederation?

It is too plain to be argued. Four-and-twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind any body else, and this constitutional law the only bond of their union! What is such a state of things but a mere connection during pleasure, or to use the phraseology of the times, *during feeling?* And that feeling, too, not the feeling of the people,

who established the Constitution, but the feeling of the State governments.

In another of the South Carolina addresses, having premised that the crisis requires "all the concentrated energy of passion," an attitude of open resistance to the laws of the Union is advised. Open resistance to the laws, then, is the constitutional remedy, the conservative power of the State, which the South Carolina doctrines teach for the redress of political evils, real or imaginary. And its authors further say, that, appealing with confidence to the Constitution itself, to justify their opinions, they cannot consent to try their accuracy by the courts of justice. In one sense, indeed, sir, this is assuming an attitude of open resistance in favor of liberty. But what sort of liberty? The liberty of establishing their own opinions, in defiance of the opinions of all others; the liberty of judging and deciding exclusively themselves, in a matter in which others have as much right to judge and decide as they; the liberty of placing their own opinion above the judgment of all others, above the laws, and above the Constitution. This is their liberty, and this is the fair result of the proposition contended for by the honorable gentle-

man. Or, it may be more properly said, it is identical with it, rather than a result from it. * * *

Sir, the human mind is so constituted, that the merits of both sides of a controversy appear very clear, and very palpable, to those who respectively espouse them; and both sides usually grow clearer as the controversy advances. South Carolina sees unconstitutionality in the tariff; she sees oppression there also, and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same tariff, and sees no such thing in it; she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but *resolves*, that the tariff is palpably unconstitutional, oppressive, and dangerous; but Pennsylvania, not to be behind her neighbors, and equally willing to strengthen her own faith by a confident asseveration *resolves*, also, and gives to every warm affirmative of South Carolina, a plain, downright, Pennsylvania negative. South Carolina, to show the strength and unity of her opinion, brings her assembly to a unanimity, within seven voices; Pennsylvania, not to be outdone in this respect any more than in others, reduces

her dissentient fraction to a single vote. Now, sir, again, I ask the gentleman, What is to be done? Are these States both right? Is he bound to consider them both right? If not, which is in the wrong? or, rather, which has the best right to decide? And if he, and if I, are not to know what the Constitution means, and what it is, till those two State legislatures, and the twenty-two others, shall agree in its construction, what have we sworn to, when we have sworn to maintain it? I was forcibly struck, sir, with one reflection, as the gentleman went on in his speech. He quoted Mr. Madison's resolutions, to prove that a State may interfere, in a case of deliberate, palpable, and dangerous exercise of a power not granted. The honorable member supposes the tariff law to be such an exercise of power; and that consequently a case has arisen in which the State may, if it see fit, interfere by its own law. Now it so happens, nevertheless, that Mr. Madison deems this same tariff law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that, while they use his authority in a hypothetical case, they reject it in the very case before them. All this, sir, shows the inherent futility,

I had almost used a stronger word, of conceding this power of interference to the State, and then attempting to secure it from abuse by imposing qualifications of which the States themselves are to judge. One of two things is true; either the laws of the Union are beyond the discretion and beyond the control of the States; or else we have no constitution of general government, and are thrust back again to the days of the Confederation. * * *

I must now beg to ask, sir, whence is this supposed right of the States derived? Where do they find the power to interfere with the laws of the Union? Sir, the opinion which the honorable gentleman maintains, is a notion founded in a total misapprehension, in my judgment, of the origin of this government, and of the foundation on which it stands. I hold it to be a popular government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State governments. It is created for one purpose; the State governments for another. It has its own powers; they have theirs. There is no

more authority with them to arrest the operation of a law of Congress, than with Congress to arrest the operation of their laws. We are here to administer a constitution emanating immediately from the people, and trusted by them to our administration. It is not the creature of the State governments. * * *

This government, sir, is the independent offspring of the popular will. It is not the creature of State legislatures; nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it, for the very purpose amongst others, of imposing certain salutary restraints on State sovereignties. The States cannot now make war; they cannot contract alliances; they cannot make, each for itself, separate regulations of commerce; they cannot lay imposts; they cannot coin money. If this Constitution, sir, be the creature of State legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators.

The people, then, sir, erected this government. They gave it a constitution, and in that constitution they have enumerated the powers which they bestow on it. They have made it

a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States, or the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear as to avoid the possibility of doubt; no limitation so precise, as to exclude all uncertainty. Who, then, shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they repose this ultimate right of deciding on the powers of the government? Sir, they have settled all this in the fullest manner. They have left it with the government itself, in its appropriate branches. Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted, was to establish a government that should not be obliged to act through State agency, or depend on State opinion or State discretion. The people had had quite enough of that kind of government under the Confederation. Under that system, the legal action, the application of law to individuals, belonged exclusively to the States. Congress could only

recommend; their acts were not of binding force, till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion and State construction? Sir, if we are, then vain will be our attempt to maintain the Constitution under which we sit.

But, sir, the people have wisely provided, in the Constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are in the Constitution grants of powers to Congress, and restrictions on these powers. There are also prohibitions on the States. Some authority must, therefore, necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The Constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring, sir, that "*the Constitution and the laws of the United States made in pursuance thereof, shall be the supreme law of the land, any thing in the Constitution or laws of any State to the contrary notwithstanding.*"

This, sir, was the first great step. By this the supremacy of the Constitution and the laws

of the United States is declared. The people so will it. No State law is to be valid which comes in conflict with the Constitution, or any law of the United States passed in pursuance of it. But who shall decide this question of interference? To whom lies the last appeal? This, sir, the Constitution itself decides also, by declaring, "*that the judicial power shall extend to all cases arising under the Constitution and laws of the United States.*" These two provisions cover the whole ground. They are, in truth, the keystone of the arch! With these it is a government, without them a confederation. In pursuance of these clear and express provisions, Congress established, at its very first session, in the judicial act, a mode for carrying them into full effect, and for bringing all questions of constitutional power to the final decision of the Supreme Court. It then, sir, became a government. It then had the means of self-protection; and but for this, it would, in all probability, have been now among things which are past. Having constituted the Government, and declared its powers, the people have further said, that, since somebody must decide on the extent of these powers, the Government shall itself decide; subject, always, like other

popular governments, to its responsibility to the people. And now, sir, I repeat, how is it that a State legislature acquires any power to interfere? Who, or what gives them the right to say to the people: "We, who are your agents and servants for one purpose, will undertake to decide, that your other agents and servants, appointed by you for another purpose, have transcended the authority you gave them!" The reply would be, I think, not impertinent: "Who made you a judge over another's servants? To their own masters they stand or fall."

Sir, I deny this power of State legislatures altogether. It cannot stand the test of examination. Gentlemen may say, that, in an extreme case, a State government may protect the people from intolerable oppression. Sir, in such a case the people might protect themselves without the aid of the State governments. Such a case warrants revolution. It must make, when it comes, a law for itself. A nullifying act of a State legislature cannot alter the case, nor make resistance any more lawful. In maintaining these sentiments, sir, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it.

They have chosen to repose this power in the General Government, and I think it my duty to support it like other constitutional powers.

For myself, sir, I do not admit the competency of South Carolina or any other State to prescribe my constitutional duty; or to settle, between me and the people the validity of laws of Congress for which I have voted. I decline her umpirage. I have not sworn to support the Constitution according to her construction of the clauses. I have not stipulated by my oath of office or otherwise, to come under any responsibility, except to the people, and those whom they have appointed to pass upon the question, whether laws, supported by my votes, conform to the Constitution of the country. And, sir, if we look to the general nature of the case, could any thing have been more preposterous than to make a government for the whole Union, and yet leave its powers subject, not to one interpretation, but to thirteen or twenty-four interpretations? Instead of one tribunal, established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four-and-twenty popular bodies, each at liberty to decide for itself, and none bound to respect the decisions

of others; and each at liberty, too, to give a new constitution on every new election of its own members? Would any thing, with such a principle in it, or rather with such a destitution of all principle be fit to be called a government? No, sir. It should not be denominated a constitution. It should be called, rather, a collection of topics for everlasting controversy; heads of debate for a disputatious people. It would not be a government. It would not be adequate to any practical good, or fit for any country to live under.

To avoid all possibility of being misunderstood, allow me to repeat again in the fullest manner, that I claim no powers for the government by forced or unfair construction. I admit that it is a government of strictly limited powers; of enumerated, specified, and particularized powers; and that whatsoever is not granted is witheld. But notwithstanding all this, and however the grant of powers may be expressed, its limit and extent may yet, in some cases, admit of doubt; and the General Government would be good for nothing, it would be incapable of long existing, if some mode had not been provided in which those doubts as they should arise, might be peaceably but authoritatively solved.

And now, Mr. President, let me run the honorable gentleman's doctrine a little into its practical application. Let us look at his probable *modus operandi.* If a thing can be done, an ingenious man can tell *how* it is to be done, and I wish to be informed *how* this State interference is to be put in practice, without violence, bloodshed, and rebellion. We will take the existing case of the tariff law. South Carolina is said to have made up her opinion upon it. If we do not repeal it (as we probably shall not), she will then apply to the case the remedy of her doctrine. She will, we must suppose, pass a law of her legislature, declaring the several acts of Congress, usually called the tariff laws, null and void, so far as they respect South Carolina, or the citizens thereof. So far, all is a paper transaction, and easy enough. But the collector at Charleston is collecting the duties imposed by these tariff laws. He, therefore, must be stopped. The collector will seize the goods if the tariff duties are not paid. The State authorities will undertake their rescue, the marshal, with his posse, will come to the collector's aid, and here the contest begins. The militia of the State will be called out to sustain the nullifying act. They will march,

sir, under a very gallant leader; for I believe the honorable member himself commands the militia of that part of the State. He will raise the NULLIFYING ACT on his standard, and spread it out as his banner! It will have a preamble, setting forth, that the tariff laws are palpable, deliberate, and dangerous violations of the Constitution! He will proceed, with this banner flying, to the custom-house in Charleston,

"All the while,
Sonorous metal blowing martial sounds."

Arrived at the custom-house, he will tell the collector that he must collect no more duties under any of the tariff laws. This he will be somewhat puzzled to say, by the way, with a grave countenance, considering what hand South Carolina herself had in that of 1816. But, sir, the collector would not, probably, desist at his bidding. He would show him the law of Congress, the treasury instruction, and his own oath of office. He would say, he should perform his duty, come what come might.

Here would ensue a pause; for they say that a certain stillness precedes the tempest. The

trumpeter would hold his breath awhile, and before all this military array should fall on the custom-house, collector, clerks, and all, it is very probable some of those composing it would request of their gallant commander-in-chief to be informed upon a little point of law; for they have doubtless, a just respect for his opinions as a lawyer, as well as for his bravery as a soldier. They know he has read Blackstone and the Constitution, as well as Turenne and Vauban. They would ask him, therefore, somewhat concerning their rights in this matter. They would inquire whether it was not somewhat dangerous to resist a law of the United States. What would be the nature of their offence, they would wish to learn, if they, by military force and array, resisted the execution in Carolina of a law of the United States, and it should turn out, after all, that the law *was constitutional?* He would answer, of course, treason. No lawyer could give any other answer. John Fries, he would tell them, had learned that some years ago. How, then, they would ask, do you propose to defend us? We are not afraid of bullets, but treason has a way of taking people off that we do not much relish. How do you propose to defend

us? "Look at my floating banner," he would reply; "see there the nullifying law!"

Is it your opinion, gallant commander, they would then say, that, if we should be indicted for treason, that same floating banner of yours would make a good plea in bar? "South Carolina is a sovereign State," he would reply. That is true; but would the judge admit our plea? "These tariff laws," he would repeat, "are unconstitutional, palpably, deliberately, dangerously." That may all be so; but if the tribunal should not happen to be of that opinion, shall we swing for it? We are ready to die for our country, but it is rather an awkward business, this dying without touching the ground! After all, that is a sort of hemp tax worse than any part of the tariff.

Mr. President, the honorable gentleman would be in a dilemma, like that of another great general. He would have a knot before him which he could not untie. He must cut it with his sword. He must say to his followers, "Defend yourselves with your bayonets"; and this is war—civil war.

Direct collision, therefore, between force and force, is the unavoidable result of that remedy for the revision of unconstitutional laws which

the gentleman contends for. It must happen in the very first case to which it is applied. Is not this the plain result? To resist by force the execution of a law, generally, is treason. Can the courts of the United States take notice of the indulgence of a State to commit treason? The common saying, that a State cannot commit treason herself, is nothing to the purpose. Can she authorize others to do it? If John Fries had produced an act of Pennsylvania, annulling the law of Congress, would it have helped his case? Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the government. They lead directly to disunion and civil commotion; and therefore it is, that at their commencement, when they are first found to be maintained by respectable men, and in a tangible form, I enter my public protest against them all.

The honorable gentleman argues that, if this Government be the sole judge of the extent of its own powers, whether that right of judging be in Congress or the Supreme Court, it equally subverts State sovereignty. This the gentleman sees, or thinks he sees, although he cannot perceive how the right of judging, in this mat-

ter, if left to the exercise of State legislatures, has any tendency to subvert the government of the Union. The gentleman's opinion may be, that the right *ought not* to have been lodged with the General Government; he may like better such a Constitution as we should have had under the right of State interference; but I ask him to meet me on the plain matter of fact. I ask him to meet me on the Constitution itself. I ask him if the power is not found there, clearly and visibly found there?

But, sir, what is this danger, and what are the grounds of it? Let it be remembered that the Constitution of the United States is not unalterable. It is to continue in its present form no longer than the people who established it shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power between the State governments and the General Government, they can alter that distribution at will.

If any thing be found in the national Constitution, either by original provision or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction, unacceptable to them, be

established so as to become practically a part of the Constitution, they will amend it, at their own sovereign pleasure. But while the people choose to maintain it as it is, while they are satisfied with it, and refuse to change it, who has given, or who can give, to the legislatures a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do any thing for themselves. They imagine there is no safety for them, any longer than they are under the close guardianship of the State legislatures. Sir, the people have not trusted their safety, in regard to the General Constitution, to these hands. They have required other security, and taken other bonds. They have chosen to trust themselves, first, to the plain words of the instrument, and to such construction as the Government themselves, in doubtful cases, should put on their powers, under their oaths of office, and subject to their responsibility to them, just as the people of a State trust to their own governments with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents whenever they see cause.

Thirdly, they have reposed trust in the judicial power, which, in order that it might be trustworthy, they have made as respectable, as disinterested, and as independent as was practicable. Fourthly, they have seen fit to rely, in case of necessity, or high expediency, on their known and admitted power to alter or amend the Constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And, finally, the people of the United States have at no time, in no way, directly or indirectly, authorized any State legislature to construe or interpret *their* high instrument of government; much less to interfere, by their own power, to arrest its course and operation.

If, sir, the people in these respects had done otherwise than they have done, their Constitution could neither have been preserved, nor would it have been worth preserving. And if its plain provisions shall now be disregarded, and these new doctrines interpolated in it, it will become as feeble and helpless a being as its enemies, whether early or more recent, could possibly desire. It will exist in every State but as a poor dependent on State permission. It must borrow leave to be; and will be, no

longer than State pleasure, or State discretion, sees fit to grant the indulgence, and to prolong its poor existence.

But, sir, although there are fears, there are hopes also. The people have preserved this, their own chosen Constitution, for forty years, and have seen their happiness, prosperity, and renown grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault, it cannot be; evaded, undermined, NULLIFIED, it will not be, if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust, faithfully to preserve and wisely to administer it.

Mr. President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you and the Senate much too long. I was drawn into the debate with no previous deliberation, such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments. I cannot,

even now, persuade myself to relinquish it, without expressing, once more my deep conviction, that, since it respects nothing less than the union of the States, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honor of the whole country, and the preservation of our Federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, and personal happiness.

I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this Government, whose thoughts should be mainly bent on considering, not how the Union may be best preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed. While the Union lasts we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that in my day at least that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal

blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, not a single star obscured, bearing for its motto, no such miserable interrogotary as "What is all this worth?" nor those other words of delusion and folly, "Liberty first and Union afterward"; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart,—Liberty *and* Union, now and forever, one and inseparable!

PART II.

V.

THE ANTI-SLAVERY STRUGGLE.

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NEGRO slavery was introduced into all the English colonies of North America as a custom, and not under any warrant of law. The enslavement of the negro race was simply a matter against which no white person chose to enter a protest, or make resistance, while the negroes themselves were powerless to resist or even protest. In due course of time laws were passed by the Colonial Assemblies to protect property in negroes, while the home government, to the very last, actively protected and encouraged the slave trade to the colonies. Negro slavery in all the colonies had thus passed from custom to law before the American Revolution broke out; and the course of the Revolution itself had little or no effect on the system.

From the beginning, it was evident that the course of slavery in the two sections, North and South, was to be altogether divergent. In the colder North, the dominant race found it easier to work than to compel negroes to work: in the warmer South, the case was exactly reversed. At the close of the Revolution, Massachusetts led the way in an abolition of slavery, which was followed gradually by the other States north of Virginia; and in 1787 the ordinance of Congress organizing the Northwest Territory made all the future States north of the Ohio free States. "Mason and Dixon's line" and the Ohio River thus seemed, in 1790, to be the natural boundary between the free and the slave States.

Up to this point the white race in the two sections had dealt with slavery by methods which were simply divergent, not antagonistic. It was true that the percentage of slaves in the total population had been very rapidly decreasing in the North and not in the South, and that the gradual abolition of slavery was proceeding

in the North alone, and that with increasing rapidity. But there was no positive evidence that the South was bulwarked in favor of slavery; there was no certainty but that the South would in its turn and in due time come to the point which the North had already reached, and begin its own abolition of slavery. The language of Washington, Jefferson, Madison, Henry, and Mason, in regard to the evils or the wickedness of the system of slavery, was too strong to be heard with patience in the South of after years; and in this section it seems to have been true, that those who thought at all upon the subject hoped sincerely for the gradual abolition of slavery in the South. The hope, indeed, was rather a sentiment than a purpose, but there seems to have been no good reason, before 1793, why the sentiment should not finally develop into a purpose.

All this was permanently changed, and the slavery policy of the South was made antagonistic to, and not merely divergent from, that of the North, by the invention of Whitney's saw

gin for cleansing cotton in 1793. It had been known, before that year, that cotton could be cultivated in the South, but its cultivation was made unprofitable, and checked by the labor required to separate the seeds from the cotton. Whitney's invention increased the efficiency of this labor hundreds of times, and it became evident at once that the South enjoyed a practical monopoly of the production of cotton. The effect on the slavery policy of the South was immediate and unhappy. Since 1865, it has been found that the cotton monopoly of the South is even more complete under a free than under a slave labor system, but mere theory could never have convinced the Southern people that such would be the case. Their whole prosperity hinged on one product; they began its cultivation under slave labor; and the belief that labor and prosperity were equally dependent on the enslavement of the laboring race very soon made the dominant race active defenders of slavery. From that time the system in the South was one of slowly but steadily

increasing rigor, until, just before 1860, its last development took the form of legal enactments for the re-enslavement of free negroes, in default of their leaving the State in which they resided. Parallel with this increase of rigor, there was a steady change in the character of the system. It tended very steadily to lose its original patriarchal character, and take the aspect of a purely commercial speculation. After 1850, the commercial aspect began to be the rule in the black belt of the Gulf States. The plantation knew only the overseer; so many slaves died to so many bales of cotton; and the slave population began to lose all human connection with the dominant race.

The acquisition of Louisiana in 1803 more than doubled the area of the United States, and far more than doubled the area of the slave system. Slavery had been introduced into Louisiana, as usual, by custom, and had then been sanctioned by Spanish and French law. It is true that Congress did not forbid slavery in the new territory of Louisiana; but Congress

did even worse than this; under the guise of forbidding the importation of slaves into Louisiana, by the act of March 26, 1804, organizing the territory, the phrase "except by a citizen of the United States, removing into said territory for actual settlement, and being at the time of such removal *bona fide* owner of such slave or slaves," impliedly legitimated the domestic slave trade to Louisiana, and legalized slavery wherever population should extend between the Mississippi and the Rocky Mountains. The Congress of 1803–05, which passed the act, should rightfully bear the responsibility for all the subsequent growth of slavery, and for all the difficulties in which it involved the South and the country.

There were but two centres of population in Louisiana, New Orleans and St. Louis. When the southern district, around New Orleans, applied for admission as the slave State of Louisiana, there seems to have been no surprise or opposition on this score; the Federalist opposition to the admission is exactly represented

by Quincy's speech in the first volume. When the northern district, around St. Louis, applied for admission as the slave State of Missouri, the inevitable consequences of the act of 1804 became evident for the first time, and all the Northern States united to resist the admission. The North controlled the House of Representatives, and the South the Senate; and, after a severe parliamentary struggle, the two bodies united in the compromise of 1820. By its terms Missouri was admitted as a slave State, and slavery was forever forbidden in the rest of Louisiana Territory, north of latitude 36° 30′ (the line of the southerly boundary of Missouri). The instinct of this first struggle against slavery extension seems to have been much the same as that of 1846–60—the realization that a permission to introduce slavery by custom into the Territories meant the formation of slave States exclusively, the restriction of the free States to the district between the Mississippi and the Atlantic, and the final conversion of the mass of the United States to a policy of enslavement

of labor. But, on the surface, it was so entirely a struggle for the balance of power between the two sections, that it has not seemed worth while to introduce any of the few reported speeches of the time. The topic is more fully and fairly discussed in the subsequent debates on the Kansas-Nebraska Act.

In 1830 William Lloyd Garrison, a Boston printer, opened the real anti-slavery struggle. Up to this time the anti-slavery sentiment, North and South, had been content with the notion of "gradual abolition," with the hope that the South would, in some yet unsuspected manner, be brought to the Northern policy. This had been supplemented, to some extent, by the colonization society for colonizing negroes on the west coast of Africa, which had two aspects: at the South it was the means of ridding the country of the free negro population; at the North it was a means of mitigating, perhaps of gradually abolishing, slavery. Garrison, through his newspaper, the *Liberator*, called for "immediate abolition" of slavery,

for the conversion of anti-slavery sentiment into anti-slavery purpose. This was followed by the organization of his adherents into the American Anti-Slavery Society in 1833, and the active dissemination of the immediate abolition principle by tracts, newspapers, and lecturers.

The anti-slavery struggle thus begun, never ceased until, in 1865, the *Liberator* ceased to be published, with the final abolition of slavery. In its inception and in all its development the movement was a distinct product of the democratic spirit. It would not have been possible in 1790, or in 1810, or in 1820. The man came with the hour; and every new mile of railroad or telegraph, every new district open to population, every new influence toward the growth of democracy, broadened the power as well as the field of the abolition movement. It was but the deepening, the application to an enslaved race of laborers, of the work which Jeffersonian democracy had done, to remove the infinitely less grievous restraints upon the white laborer thirty year before. It could never have been begun

until individualism at the North had advanced so far that there was a reserve force of mind ready to reject all the influences of heredity and custom upon thought. Outside of religion there was no force so strong at the North as the reverence for the Constitution; it was significant of the growth of individualism, as well as of the anti-slavery sentiment, that Garrison could safely begin his work with the declaration that the Constitution itself was "a league with death and a covenant with hell."

The Garrisonian programme would undoubtedly have been considered highly objectionable by the South, even under the comparatively colorless slavery policy of 1790. Under the conditions to which cotton culture had advanced in 1830, it seemed to the South nothing less than a proposal to destroy, root and branch, the whole industry of that section, and it was received with corresponding indignation. Garrisonian abolitionists were taken and regarded as public enemies, and rewards were even offered for their capture. The germ of abolition-

ism in the Border States found a new and aggressive public sentiment arrayed against it; and an attempt to introduce gradual abolition in Virginia in 1832–33 was hopelessly defeated. The new question was even carried into Congress. A bill to prohibit the transportation of abolition documents by the Post-Office department was introduced, taken far enough to put leading men of both parties on the record, and then dropped. Petitions for the abolition of slavery in the District of Columbia were met by rules requiring the reference of such petitions without reading or action; but this only increased the number of petitions, by providing a new grievance to be petitioned against, and in 1842 the "gag rule" was rescinded. Thenceforth the pro-slavery members of Congress could do nothing, and could only become more exasperated under a system of passive resistance.

Even at the North, indifferent or politically hostile as it had hitherto shown itself to the expansion of slavery, the new doctrines were received with an outburst of anger which seems

to have been primarily a revulsion against their unheard of individualism. If nothing, which had been the object of unquestioning popular reverence, from the Constitution down or up to the church organizations, was to be sacred against the criticism of the Garrisonians, it was certain that the innovators must submit for a time to a general proscription. Thus the Garrisonians were ostracised socially, and became the Ishmælites of politics. Their meetings were broken up by mobs, their halls were destroyed, their schools were attacked by all the machinery of society and legislation, their printing presses were silenced by force or fraud, and their lecturers came to feel that they had not done their work with efficiency if a meeting passed without the throwing of stones or eggs at the building or the orators. It was, of course, inevitable that such a process should bring strong minds to the aid of the Garrisonians, at first from sympathy with persecuted individualism, and finally from sympathy with the cause itself; and in this way Garrisonianism was in a

great measure relieved from open mob violence about 1840, though it never escaped it altogether until abolition meetings ceased to be necessary. One of the first and greatest reinforcements was the appearance of Wendell Phillips, whose speech at Faneuil Hall in 1837 was one of the first tokens of a serious break in the hitherto almost unanimous public opinion against Garrisonianism. Lovejoy, a Western anti-slavery preacher and editor, who had been driven from one place to another in Missouri and Illinois, had finally settled at Alton, and was there shot to death while defending his printing press against a mob. At a public meeting in Faneuil Hall, the Attorney-General of Massachusetts, James T. Austin, expressing what was doubtless the general sentiment of the time as to such individual insurrection against pronounced public opinion, compared the Alton mob to the Boston "tea-party," and declared that Lovejoy, "presumptuous and imprudent," had "died as the fool dieth." Phillips, an almost unknown man, took the stand,

and answered in the speech which opens this volume. A more powerful reinforcement could hardly have been looked for; the cause which could find such a defender was henceforth to be feared rather than despised. To the day of his death he was, fully as much as Garrison, the incarnation of the anti-slavery spirit. For this reason his address on the Philosophy of the Abolition Movement, in 1853, has been assigned a place as representing fully the abolition side of the question, just before it was overshadowed by the rise of the Republican party, which opposed only the extension of slavery to the territories.

The history of the sudden development of the anti-slavery struggle in 1845 and the following years, is largely given in the speeches which have been selected to illustrate it. The admission of Texas to the Union in 1845, and the war with Mexico which followed it, resulted in the acquisition of a vast amount of new territory by the United States. From the first suggestion of such an acquisition, the Wilmot proviso (so-

called from David Wilmot, of Pennsylvania, who introduced it in Congress), that slavery should be prohibited in the new territory, was persistently offered as an amendment to every bill appropriating money for the purchase of territory from Mexico. It was passed by the House of Representatives, but was balked in the Senate; and the purchase was finally made without any proviso. When the territory came to be organized, the old question came up again: the Wilmot proviso was offered as an amendment. As the territory was now in the possession of the United States, and as it had been acquired in a war whose support had been much more cordial at the South than at the North, the attempt to add the Wilmot proviso to the territorial organization raised the Southern opposition to an intensity which it had not known before. Fuel was added to the flame by the application of California, whose population had been enormously increased by the discovery of gold within her limits, for admission as a free State. If New Mexico should do the

same, as was probable, the Wilmot proviso would be practically in force throughout the best portion of the Mexican acquisition. The two sections were now so strong and so determined that compromise of any kind was far more difficult than in 1820; and it was not easy to reconcile or compromise the southern demand that slavery should be permitted, and the northern demand that slavery should be forbidden, to enter the new territories.

In the meantime, the Presidential election of 1848 had come and gone. It had been marked by the appearance of a new party, the Free Soilers, an event which was at first extremely embarrassing to the managers of both the Democratic and Whig parties. On the one hand, the northern and southern sections of the Whig party had always been very loosely joined together, and the slender tie was endangered by the least admission of the slavery issue. On the other hand, while the Democratic national organization had always been more perfect, its northern section had always been

much more inclined to active anti-slavery work than the northern Whigs. Its organ, the *Democratic Review*, habitually spoke of the slaves as "our black brethren"; and a long catalogue could be made of leaders like Chase, Hale, Wilmot, Bryant, and Leggett, whose democracy was broad enough to include the negro. To both parties, therefore, the situation was extremely hazardous. The Whigs had less to fear, but were able to resist less pressure. The Democrats were more united, but were called upon to meet a greater danger. In the end, the Whigs did nothing; their two sections drew further apart; and the Presidential election of 1852 only made it evident that the national Whig party was no longer in existence. The Democratic managers evolved, as a solution of their problem, the new doctrine of "popular sovereignty," which Calhoun rebaptized "squatter sovereignty." They asserted as the true Democratic doctrine, that the question of slavery or freedom was to be left for decision of the people of the territory

itself. To the mass of northern Democrats, this doctrine was taking enough to cover over the essential nature of the struggle; the more democratic leaders of the northern Democracy were driven off into the Free-Soil party; and Douglas, the champion of "popular sovereignty," became the leading Democrat of the North.

Clay had re-entered the Senate in 1849, for the purpose of compromising the sectional difficulties as he had compromised those of 1820 and of 1833. His speech, as given, will show something of his motives; his success resulted in the "compromise of 1850." By its terms, California was admitted as a free State; the slave trade, but not slavery, was prohibited in the District of Columbia; a more stringent fugitive slave law was enacted; Texas was paid $10,000,000 for certain claims to the Territory of New Mexico; and the Territories of Utah and New Mexico, covering the Mexican acquisition outside of California, were organized without mentioning slavery. The last-named

feature was carefully designed to please all important factions. It could be represented to the Webster Whigs that slavery was excluded from the Territories named by the operation of natural laws; to the Clay Whigs that slavery had already been excluded by Mexican law which survived the cession; to the northern Democrats, that the compromise was a formal endorsement of the great principle of popular sovereignty; and to the southern Democrats that it was a repudiation of the Wilmot proviso. In the end, the essence of the success went to the last-named party, for the legislatures of the two territories established slavery, and no bill to veto their action could pass both Houses of Congress until after 1861.

The Supreme Court had already decided that Congress had exclusive power to enforce the fugitive slave clause of the Constitution, though the fugitive slave law of 1793 had given a concurrent authority of execution to State officers. The law of 1850, carrying the Supreme Court's decision further, gave the execution of the law

to United States officers, and refused the accused a hearing. Its execution at the North was therefore the occasion of a profound excitement and horror. Cases of inhuman cruelty, and of false accusation to which no defence was permitted, were multiplied until a practical nullification of the law, in the form of "personal liberty laws," securing a hearing for the accused before State magistrates, was forced by public opinion upon the legislature of the exposed northern States. Before the excitement had come to a head, the Whig convention of 1852 met and endorsed the compromise of 1850 "in all its parts." Overwhelmed in the election which followed, the Whig party was popularly said to have "died of an attempt to swallow the fugitive-slave law"; it would have been more correct to have said that the southern section of the party had deserted in a body and gone over to the Democratic party. National politics were thus left in an entirely anomalous condition. The Democratic party was omnipotent at the South, though it was afterward opposed

feebly by the American (or "Know Nothing") organization, and was generally successful at the North, though it was still met by the Northern Whigs with vigorous opposition. Such a state of affairs was not calculated to satisfy thinking men; and this period seems to have been one in which very few thinking men of any party were at all satisfied with their party positions.

This was the hazardous situation into which the Democratic managers chose to thrust one of the most momentous pieces of legislation in our political history—the Kansas-Nebraska bill. The responsibility for it is clearly on the shoulders of Stephen A. Douglas. The overland travel to the Pacific coast had made it necessary to remove the Indian title to Kansas and Nebraska, and to organize them as Territories, in order to afford protection to emigrants; and Douglas, chairman of the Senate committee on Territories, introduced a bill for such organization in January, 1854. Both these prospective Territories had been made

free soil forever by the compromise of 1820; the question of slavery had been settled, so far as they were concerned; but Douglas consented, after a show of opposition, to reopen Pandora's box. His original bill did not abrogate the Missouri compromise, and there seems to have been no general Southern demand that it should do so. But Douglas had become intoxicated by the unexpected success of his "popular sovereignty" make-shift in regard to the Territories of 1850; and a notice of an amendment to be offered by a southern senator, abrogating the Missouri compromise, was threat or excuse sufficient to bring him to withdraw the bill. A week later, it was reintroduced with the addition of "popular sovereignty": all questions pertaining to slavery in these Territories, and in the States to be formed from them, were to be left to the decision of the people, through their representatives; and the Missouri compromise of 1820 was declared "inoperative and void," as inconsistent with the principles of the territorial

legislation of 1850. It must be remembered that the "non-intervention" of 1850 had been confessedly based on no constitutional principle whatever, but was purely a matter of expediency; and that "non-intervention" in Utah and New Mexico was no more inconsistent with the prohibition of slavery in Kansas and Nebraska than "non-intervention" in the Southwest Territory, sixty years before, had been inconsistent with the prohibition of slavery in the Northwest Territory. Whether Douglas is to be considered as too scrupulous, or too timid, or too willing to be terrified, it is certain that his action was unnecessary.

After a struggle of some months, the Kansas-Nebraska bill became law. The Missouri compromise was abrogated, and the question of the extension of slavery to the territories was adrift again, never to be got rid of except through the abolition of slavery itself by war. The demands of the South had now come fully abreast with the proposal of Douglas: that slavery should have *permission* to enter all the Territories, if it

could. The opponents of the extension of slavery, at first under the name of "Anti-Nebraska men," then of the Republican party, carried the elections for representatives in Congress in 1854–'55, and narrowly missed carrying the Presidential election of 1856. The percentage of Democratic losses in the congressional districts of the North was sufficient to leave Douglas with hardly any supporters in Congress from his own section. The Democratic party was converted at once into a solid South, with a northern attachment of popular votes which was not sufficient to control very many Congressmen or electoral votes.

Immigration into Kansas was organized at once by leading men of the two sections, with the common design of securing a majority of the voters of the territory and applying "popular sovereignty" for or against slavery. The first sudden inroad of Missouri intruders was successful in securing a pro-slavery legislature and laws; but within two years the stream of free-State immigration had become so powerful,

in spite of murder, outrage, and open civil war, that it was very evident that Kansas was to be a free-State. Its expiring territorial legislature endeavored to outwit its constituents by applying for admission as a slave State, under the Lecompton constitution; but the Douglas Democrats could not support the attempt, and it was defeated. Kansas, however, remained a territory until 1861.

The cruelties of this Kansas episode could not but be reflected in the feelings of the two sections and in Congress. In the former it showed too plainly that the divergence of the two sections, indicated in Calhoun's speech of 1850, had widened to an absolute separation in thought, feeling, and purpose. In the latter the debates assumed a virulence which is illustrated by the speeches on the Sumner assault. The current of events had at least carried the sections far enough apart to give striking distance; and the excuse for action was supplied by the Dred Scott decision in 1857.

Dred Scott, a Missouri slave, claiming to be

a free man under the Missouri compromise of 1820, had sued his master, and the case had reached the Supreme Court. A majority of the justices agreed in dismissing the suit; but, as nearly every justice filed an opinion, and as nearly every opinion disagreed with the other opinions on one or more points, it is not easy to see what else is covered by the decision. Nevertheless, the opinion of the Chief Justice, Roger B. Taney, attracted general attention by the strength of its argument and the character of its views. It asserted, in brief, that no slave could become a citizen of the United States, even by enfranchisement or State law; that the prohibition of slavery by the Missouri compromise of 1820 was unconstitutional and void; that the Constitution recognized property in slaves, and was framed for the protection of property; that Congress had no rights or duties in the territories but such as were granted or imposed by the Constitution; and that, therefore, Congress was bound not merely not to forbid slavery, but to actively protect slavery in

the Territories. This was just the ground which had always been held by Calhoun, though the South had not supported him in it. Now the South, rejecting Douglas and his "popular sovereignty," was united in its devotion to the decision of the Supreme Court, and called upon the North to yield unhesitating obedience to that body which Webster in 1830 had styled the ultimate arbiter of constitutional questions. This, it was evident, could never be. No respectable authority at the North pretended to uphold the keystone of Taney's argument, that slaves were regarded as property by the Constitution. On the contrary, it was agreed everywhere by those whose opinions were looked to with respect, that slaves were regarded by the Constitution as "persons held to service or labor" under the laws of the State alone; and that the laws of the State could not give such persons a fictitious legal character outside of the State's jurisdiction. Even the Douglas Democrats, who expressed a willingness to yield to the Supreme Court's decision, did not profess to uphold Taney's share in it.

As the Presidential election of 1860 drew near, the evidences of separation became more manifest. The absorption of northern Democrats into the Republican party increased until Douglas, in 1858, narrowly escaped defeat in his contest with Lincoln for a re-election to the Senate from Illinois. In 1860 the Republicans nominated Lincoln for the Presidency on a platform demanding prohibition of slavery in the Territories. The southern delegates seceded from the Democratic convention, and nominated Breckenridge, on a platform demanding congressional protection of slavery in the Territories. The remainder of the Democratic convention nominated Douglas, with a declaration of its willingness to submit to the decision of the Supreme Court on questions of constitutional law. The remnants of the former Whig and American parties, under the name of the Constitutional Union party, nominated Bell without any declaration of principles. Lincoln received a majority of the electoral votes, and became President. His popular vote was a plurality.

Seward's address on the "Irrepressible Conflict," which closes this volume, is representative of the division between the two sections, as it stood just before the actual shock of conflict. Labor systems are delicate things; and that which the South had adopted, of enslaving the laboring class, was one whose influence could not help being universal and aggressive. Every form of energy and prosperity which tended to advance a citizen into the class of representative rulers tended also to make him a slave owner, and to shackle his official policy and purposes with considerations inseparable from his heavy personal interests. Men might divide on other questions at the South; but on this question of slavery the action of the individual had to follow the decisions of a majority which, by the influence of ambitious aspirants for the lead, was continually becoming more aggressive. In constitutional countries, defections to the minority are a steady check upon an aggressive majority; but the southern majority was a steam engine without a safety valve.

In this sense Seward and Lincoln, in 1858, were correct; the labor system of the South was not only a menace to the whole country, but one which could neither decrease nor stand still. It was intolerable by the laws of its being; and it could be got rid of only by allowing a peaceable secession, or by abolishing it through war. The material prosperity which has followed the adoption of the latter alternative, apart from the moral aspects of the case, is enough to show that the South has gained more than all that slavery lost.

WENDELL PHILLIPS,

OF MASSACHUSETTS.

(BORN 1811, DIED 1884.)

ON THE MURDER OF LOVEJOY; FANEUIL HALL, BOSTON, DECEMBER 8, 1837.

MR. CHAIRMAN:

We have met for the freest discussion of these resolutions, and the events which gave rise to them. [Cries of "Question," "Hear him," "Go on," "No gagging," etc.] I hope I shall be permitted to express my surprise at the sentiments of the last speaker, surprise not only at such sentiments from such a man, but at the applause they have received within these walls. A comparison has been drawn between the events of the Revolution and the tragedy at Alton. We have heard it asserted here, in Faneuil Hall, that Great Britain had a right to tax the colonies, and we have heard the mob at Alton, the drunken murderers of Lovejoy, compared to those patriot fathers who threw the

tea overboard! Fellow citizens, is this Faneuil Hall doctrine? ["No, no."] The mob at Alton were met to wrest from a citizen his just rights—met to resist the laws. We have been told that our fathers did the same; and the glorious mantle of Revolutionary precedent has been thrown over the mobs of our day. To make out their title to such defence, the gentleman says that the British Parliament had a *right* to tax these colonies. It is manifest that, without this, his parallel falls to the ground, for Lovejoy had stationed himself within constitutional bulwarks. He was not only defending the freedom of the press, but he was under his own roof, in arms with the sanction of the civil authority. The men who assailed him went against and over the laws. The *mob*, as the gentleman terms it—mob, forsooth! certainly we sons of the tea-spillers are a marvellously patient generation!—the "orderly mob" which assembled in the Old South to destroy the tea, were met to resist, not the laws, but illegal enactions. Shame on the American who calls the tea tax and stamp act *laws!* Our fathers resisted, not the King's prerogative, but the King's usurpation. To find any other account, you must read our Revolutionary history up-

side down. Our State archives are loaded with arguments of John Adams to prove the taxes laid by the British Parliament unconstitutional—beyond its power. It was not until this was made out that the men of New England rushed to arms. The arguments of the Council Chamber and the House of Representatives preceded and sanctioned the contest. To draw the conduct of our ancestors into a precedent for mobs, for a right to resist laws we ourselves have enacted, is an insult to their memory. The difference between the excitements of those days and our own, which the gentleman in kindness to the latter has overlooked, is simply this: the men of that day went for the right, as secured by the laws. They were the people rising to sustain the laws and constitution of the Province. The rioters of our days go for their own wills, right or wrong. Sir, when I heard the gentleman lay down principles which place the murderers of Alton side by side with Otis and Hancock, with Quincy and Adams, I thought those pictured lips [pointing to the portraits in the Hall] would have broken into voice to rebuke the recreant American—the slanderer of the dead. The gentleman said that he should sink

into insignificance if he dared to gainsay the principles of these resolutions. Sir, for the sentiments he has uttered, on soil consecrated by the prayers of Puritans and the blood of patriots, the earth should have yawned and swallowed him up.

[By this time, the uproar in the Hall had risen so high that the speech was suspended for a short time. Applause and counter applause, cries of "Take that back," "Make him take back recreant," "He sha'n't go on till he takes it back," and counter cries of "Phillips or nobody," continued until the pleadings of well-known citizens had somewhat restored order, when Mr. Phillips resumed.]

Fellow citizens, I cannot take back my words. Surely the Attorney-General, so long and so well known here, needs not the aid of your hisses against one so young as I am—my voice never before heard within these walls! * * *

I must find some fault with the statement which has been made of the events at Alton. It has been asked why Lovejoy and his friends did not appeal to the executive—trust their defence to the police of the city? It has been hinted that, from hasty and ill-judged excitement, the men within the building provoked a quarrel, and that he fell in the course of it, one mob resisting another. Recollect, sir, that they did act with the approbation and

sanction of the Mayor. In strict truth, there was no executive to appeal to for protection. The Mayor acknowledged that he could not protect them. They asked him if it was lawful for them to defend themselves. He told them it was, and sanctioned their assembling in arms to do so. They were not, then, a mob; they were not merely citizens defending their own property; they were in some sense the *posse comitatus*, adopted for the occasion into the police of the city, acting under the order of a magistrate. It was civil authority resisting lawless violence. Where, then, was the imprudence? Is the doctrine to be sustained here that it is *imprudent* for men to aid magistrates in executing the laws?

Men are continually asking each other, Had Lovejoy a right to resist? Sir, I protest against the question instead of answering it. Lovejoy did not resist, in the sense they mean. He did not throw himself back on the natural right of self-defence. He did not cry anarchy, and let slip the dogs of civil war, careless of the horrors which would follow. Sir, as I understand this affair, it was not an individual protecting his property; it was not one body of armed men resisting another, and making the

streets of a peaceful city run blood with their contentions. It did not bring back the scenes in some old Italian cities, where family met family, and faction met faction, and mutually trampled the laws under foot. No! the men in that house were regularly enrolled, under the sanction of the Mayor. There being no militia in Alton, about seventy men were enrolled with the approbation of the Mayor. These relieved each other every other night. About thirty men were in arms on the night of the sixth, when the press was landed. The next evening, it was not thought necessary to summon more than half that number; among these was Lovejoy. It was, therefore, you perceive, sir, the police of the city resisting rioters—civil government breasting itself to the shock of lawless men.

Here is no question about the right of self-defence. It is in fact simply this: Has the civil magistrate a right to put down a riot?

Some persons seem to imagine that anarchy existed at Alton from the commencement of these disputes. Not at all. "No one of us," says an eyewitness and a comrade of Lovejoy, "has taken up arms during these disturbances but at the command of the Mayor." Anarchy

did not settle down on that devoted city till Lovejoy breathed his last. Till then the law, represented in his person, sustained itself against its foes. When he fell, civil authority was trampled under foot. He had "planted himself on his constitutional rights,"—appealed to the laws,—claimed the protection of the civil authority,—taken refuge under "the broad shield of the Constitution. When through that he was pierced and fell, he fell but one sufferer in a common catastrophe." He took refuge under the banner of liberty—amid its folds; and when he fell, its glorious stars and stripes, the emblem of free institutions, around which cluster so many heart-stirring memories, were blotted out in the martyr's blood.

It has been stated, perhaps inadvertently, that Lovejoy or his comrades fired first. This is denied by those who have the best means of knowing. Guns were first fired by the mob. After being twice fired on, those within the building consulted together and deliberately returned the fire. But suppose they did fire first. They had a right so to do; not only the right which every citizen has to defend himself, but the further right which every civil officer has to resist violence. Even if Lovejoy fired

the first gun, it would not lessen his claim to our sympathy, or destroy his title to be considered a martyr in defence of a free press. The question now is, Did he act within the constitution and the laws? The men who fell in State Street, on the 5th of March, 1770, did more than Lovejoy is charged with. They were the *first* assailants upon some slight quarrel, they pelted the troops with every missile within reach. Did this bate one jot of the eulogy with which Hancock and Warren hallowed their memory, hailing them as the first martyrs in the cause of American liberty? If, sir, I had adopted what are called Peace principles, I might lament the circumstances of this case. But all you who believe as I do, in the right and duty of magistrates to execute the laws, join with me and brand as base hypocrisy the conduct of those who assemble year after year on the 4th of July to fight over the battles of the Revolution, and yet "damn with faint praise" or load with obloquy, the memory of this man who shed his blood in defence of life, liberty, property, and the freedom of the press!

Throughout that terrible night I find nothing to regret but this, that, within the limits of our country, civil authority should have been so pros-

trated as to oblige a citizen to arm in his own defence, and to arm in vain. The gentleman says Lovejoy was presumptuous and imprudent —he "died as the fool dieth." And a reverend clergyman of the city tells us that no citizen has a right to publish opinions disagreeable to the community! If any mob follows such publication, on *him* rests its guilt. He must wait, forsooth, till the people come up to it and agree with him! This libel on liberty goes on to say that the want of right to speak as we think is an evil inseparable from republican institutions! If this be so, what are they worth? Welcome the despotism of the Sultan, where one knows what he may publish and what he may not, rather than the tyranny of this many-headed monster, the mob, where we know not what we may do or say, till some fellow-citizen has tried it, and paid for the lesson with his life. This clerical absurdity chooses as a check for the abuses of the press, not the *law*, but the dread of a mob. By so doing, it deprives not only the individual and the minority of their rights, but the majority also, since the expression of *their* opinion may sometime provoke disturbances from the minority. A few men may make a mob as well as many. The major-

ity then, have no right, as Christian men, to utter their sentiments, if by any possibility it may lead to a mob! Shades of Hugh Peters and John Cotton, save us from such pulpits!

Imprudent to defend the liberty of the press! Why? Because the defence was unsuccessful? Does success gild crime into patriotism, and the want of it change heroic self-devotion to imprudence? Was Hampden imprudent when he drew the sword and threw away the scabbard? Yet he, judged by that single hour, was unsuccessful. After a short exile, the race he hated sat again upon the throne.

Imagine yourself present when the first news of Bunker Hill battle reached a New England town. The tale would have run thus: "The patriots are routed,—the redcoats victorious,—Warren lies dead upon the field." With what scorn would that *Tory* have been received, who should have charged Warren with *imprudence!* who should have said that, bred a physician, he was "out of place" in that battle, and "died as the *fool dieth*." How would the intimation have been received, that Warren and his associates should have merited a better time? But if success be indeed the only criterion of prudence, *Respice finem*,—wait till the end!

Presumptuous to assert the freedom of the press on American ground! Is the assertion of such freedom before the age? So much before the age as to leave one no right to make it because it displeases the community? Who invents this libel on his country? It is this very thing which entitles Lovejoy to greater praise. The disputed right which provoked the Revolution—taxation without representation—is far beneath that for which he died. [Here there was a general expression of strong disapprobation.] One word, gentlemen. As much as *thought* is better than money, so much is the cause in which Lovejoy died nobler than a mere question of taxes. James Otis thundered in this hall when the King did but touch his *pocket*. Imagine, if you can, his indignant eloquence had England offered to put a gag upon his *lips*. The question that stirred the Revolution touched our civil interests. This concerns us not only as citizens, but as immortal beings. Wrapped up in its fate, saved or lost with it, are not only the voice of the statesman, but the instructions of the pulpit and the progress of our faith.

The clergy, "marvellously out of place" where free speech is battled for—liberty of

speech on national sins! Does the gentleman remember that freedom to preach was first gained, dragging in its train freedom to print? I thank the clergy here present, as I reverence their predecessors, who did not so far forget their country in their immediate profession as to deem it duty to separate themselves from the struggle of '76—the Mayhews and Coopers, who remembered that they were citizens before they were clergymen.

Mr. Chairman, from the bottom of my heart I thank that brave little band at Alton for resisting. We must remember that Lovejoy had fled from city to city,—suffered the destruction of three presses patiently. At length he took counsel with friends, men of character, of tried integrity, of wide views, of Christian principle. They thought the crisis had come; it was full time to assert the laws. They saw around them, not a community like our own, of fixed habits, of character moulded and settled, but one "in the gristle, not yet hardened into the bone of manhood." The people there, children of our older States, seem to have forgotten the blood-tried principles of their fathers the moment they lost sight of our New England hills. Something was to be done to show them the priceless value of the freedom of the press, to

bring back and set right their wandering and confused ideas. He and his advisers looked out on a community, staggering like a drunken man, indifferent to their rights and confused in their feelings. Deaf to argument, haply they might be stunned into sobriety. They saw that of which we cannot judge, the *necessity* of resistance. Insulted law called for it. Public opinion, fast hastening on the downward course, must be arrested.

Does not the event show they judged rightly? Absorbed in a thousand trifles, how has the nation all at once come to a stand? Men begin, as in 1776 and 1640, to discuss principles, to weigh characters, to find out where they are. Haply we may awake before we are borne over the precipice.

I am glad, sir, to see this crowded house, It is good for us to be here. When Liberty is in danger Faneuil Hall has the right, it is her duty, to strike the key-note for these United States. I am glad, for one reason, that remarks such as those to which I have alluded have been uttered here. The passage of these resolutions, in spite of this opposition, led by the Attorney-General of the Commonwealth, will show more clearly, more decisively, the deep indignation with which Boston regards this outrage.

JOHN C. CALHOUN,

OF SOUTH CAROLINA.

(BORN 1782, DIED 1850.)

ON THE SLAVERY QUESTION, SENATE, MARCH 4, 1850.

I HAVE, Senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavored to call the attention of both the two great parties which divide the country to adopt some measure to prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it has reached a point when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that can ever come under your consideration: How can the Union be preserved?

To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and the character of the cause by which the Union is endangered. Without such knowledge it is impossible to pronounce, with any certainty, by what measure it can be saved; just as it would be impossible for a physician to pronounce, in the case of some dangerous disease, with any certainty, by what remedy the patient could be saved, without similar knowledge of the nature and character of the cause which produced it. The first question, then, presented for consideration, in the investigation I propose to make, in order to obtain such knowledge, is: What is it that has endangered the Union?

To this question there can be but one answer: That the immediate cause is the almost universal discontent which pervades all the States composing the southern section of the Union. This widely-extended discontent is not of recent origin. It commenced with the agitation of the slavery question, and has been increasing ever since. The next question, going one step further back, is: What has caused this widely-diffused and almost universal discontent?

It is a great mistake to suppose, as is by some, that it originated with demagogues, who excited the discontent with the intention of aiding their personal advancement, or with the disappointed ambition of certain politicians, who resorted to it as a means of retrieving their fortunes. On the contrary, all the great political influences of the section were arrayed against excitement, and exerted to the utmost to keep the people quiet. The great mass of the people of the South were divided, as in the other section, into Whigs and Democrats. The leaders and the presses of both parties in the South were very solicitous to prevent excitement and to preserve quiet; because it was seen that the effects of the former would necessarily tend to weaken, if not destroy, the political ties which united them with their respective parties in the other section. Those who know the strength of the party ties will readily appreciate the immense force which this cause exerted against agitation, and in favor of preserving quiet. But, great as it was, it was not sufficient to prevent the wide-spread discontent which now pervades the section. No; some cause, far deeper and more powerful than the one supposed, must exist, to account for dis-

content so wide and deep. The question then recurs: What is the cause of this discontent? It will be found in the belief of the people of the Southern States, as prevalent as the discontent itself, that they cannot remain, as things now are, consistently with honor and safety, in the Union. The next question to be considered is: What has caused this belief?

One of the causes is, undoubtedly, to be traced to the long-continued agitation of the slavery question on the part of the North, and the many aggressions which they have made on the rights of the South during the time. I will not enumerate them at present, as it will be done hereafter in its proper place.

There is another lying back of it—with which this is intimately connected—that may be regarded as the great and primary cause. This is to be found in the fact, that the equilibrium between the two sections, in the Government as it stood when the Constitution was ratified and the Government put in action, has been destroyed. At that time there was nearly a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggression of the other; but, as it now stands, one section has the exclusive power of controlling

the Government, which leaves the other without any adequate means of protecting itself against its encroachment and oppression. To place this subject distinctly before you, I have, Senators, prepared a brief statistical statement, showing the relative weight of the two sections in the Government under the first census of 1790, and the last census of 1840.

According to the former, the population of the United States, including Vermont, Kentucky, and Tennessee, which then were in their incipient condition of becoming States, but were not actually admitted, amounted to 3,929,827. Of this number the Northern States had 1,997,899, and the Southern 1,952,072, making a difference of only 45,827 in favor of the former States.

The number of States, including Vermont, Kentucky, and Tennessee, were sixteen; of which eight, including Vermont, belonged to the northern section, and eight, including Kentucky and Tennessee, to the southern,—making an equal division of the States between the two sections, under the first census. There was a small preponderance in the House of Representatives, and in the Electoral College, in favor of the northern, owing to the fact that, accord-

ing to the provisions of the Constitution, in estimating federal numbers five slaves count but three; but it was too small to affect sensibly the perfect equilibrium which, with that exception, existed at the time. Such was the equality of the two sections when the States composing them agreed to enter into a Federal Union. Since then the equilibrium between them has been greatly disturbed.

According to the last census the aggregate population of the United States amounted to 17,063,357, of which the northern section contained 9,728,920, and the southern 7,334,437, making a difference in round numbers, of 2,400,000. The number of States had increased from sixteen to twenty-six, making an addition of ten States. In the meantime the position of Delaware had become doubtful as to which section she properly belonged. Considering her as neutral, the Northern States will have thirteen and the Southern States twelve, making a difference in the Senate of two senators in favor of the former. According to the apportionment under the census of 1840, there were two hundred and twenty-three members of the House of Representatives, of which the Northern States had one hundred and thirty-five, and

the Southern States (considering Delaware as neutral) eighty-seven, making a difference in favor of the former in the House of Representatives of forty-eight. The difference in the Senate of two members, added to this, gives to the North in the Electoral College, a majority of fifty. Since the census of 1840, four States have been added to the Union—Iowa, Wisconsin, Florida, and Texas. They leave the difference in the Senate as it was when the census was taken; but add two to the side of the North in the House, making the present majority in the House in its favor fifty, and in the Electoral College fifty-two.

The result of the whole is to give the northern section a predominance in every department of the Government, and thereby concentrate in it the two elements which constitute the Federal Government,—majority of States, and a majority of their population, estimated in federal numbers. Whatever section concentrates the two in itself possesses the control of the entire Government.

But we are just at the close of the sixth decade, and the commencement of the seventh. The census is to be taken this year, which must add greatly to the decided preponderance of

the North in the House of Representatives and in the Electoral College. The prospect is, also, that a great increase will be added to its present preponderance in the Senate, during the period of the decade, by the addition of new States. Two territories, Oregon and Minnesota, are already in progress, and strenuous efforts are making to bring in three additional States from the territory recently conquered from Mexico; which, if successful, will add three other States in a short time to the northern section, making five States; and increasing the present number of its States from fifteen to twenty, and of its senators from thirty to forty. On the contrary, there is not a single territory in progress in the southern section, and no certainty that any additional State will be added to it during the decade. The prospect then is, that the two sections in the senate, should the effort now made to exclude the South from the newly acquired territories succeed, will stand before the end of the decade, twenty Northern States to fourteen Southern (considering Delaware as neutral), and forty Northern senators to twenty-eight Southern. This great increase of senators, added to the great increase of members of the House of Representatives and the Electoral

College on the part of the North, which must take place under the next decade, will effectually and irretrievably destroy the equilibrium which existed when the Government commenced.

Had this destruction been the operation of time, without the interference of Government, the South would have had no reason to complain; but such was not the fact. It was caused by the legislation of this Government, which was appointed as the common agent of all, and charged with the protection of the interests and security of all. The legislation by which it has been effected may be classed under three heads. The first is, that series of acts by which the South has been excluded from the common territory belonging to all the States as members of the Federal Union—which have had the effect of extending vastly the portion allotted to the northern section, and restricting within narrow limits the portion left the South. The next consists in adopting a system of revenue and disbursements, by which an undue proportion of the burden of taxation has been imposed upon the South, and an undue proportion of its proceeds appropriated to the North; and the last is a system of political measures, by which the original character of the Government has

been radically changed. I propose to bestow upon each of these, in the order they stand, a few remarks, with the view of showing that it is owing to the action of this Government that the equilibrium between the two sections has been destroyed, and the whole powers of the system centered in a sectional majority.

The first of the series of Acts by which the South was deprived of its due share of the territories, originated with the confederacy which preceded the existence of this Government. It is to be found in the provision of the ordinance of 1787. Its effect was to exclude the South entirely from that vast and fertile region which lies between the Ohio and the Mississippi rivers, now embracing five States and one Territory. The next of the series is the Missouri compromise, which excluded the South from that large portion of Louisiana which lies north of 36° 30′, excepting what is included in the State of Missouri. The last of the series excluded the South from the whole of Oregon Territory. All these, in the slang of the day, were what are called slave territories, and not free soil; that is, territories belonging to slaveholding powers and open to the emigration of masters with their slaves. By these

several Acts the South was excluded from one million two hundred and thirty-eight thousand and twenty-five square miles—an extent of country considerably exceeding the entire valley of the Mississippi. To the South was left the portion of the Territory of Louisiana lying south of 36° 30′, and the portion north of it included in the State of Missouri, with the portion lying south of 36° 30′ including the States of Louisiana and Arkansas, and the territory lying west of the latter, and south of 36° 30′, called the Indian country. These, with the Territory of Florida, now the State, make, in the whole, two hundred and eighty-three thousand five hundred and three square miles. To this must be added the territory acquired with Texas. If the whole should be added to the southern section it would make an increase of three hundred and twenty-five thousand five hundred and twenty, which would make the whole left to the South six hundred and nine thousand and twenty-three. But a large part of Texas is still in contest between the two sections, which leaves it uncertain what will be the real extent of the proportion of territory that may be left to the South.

I have not included the territory recently ac-

quired by the treaty with Mexico. The North is making the most strenuous efforts to appropriate the whole to herself, by excluding the South from every foot of it. If she should succeed, it will add to that from which the South has already been excluded, 526,078 square miles, and would increase the whole which the North has appropriated to herself, to 1, 764,023, not including the portion that she may succeed in excluding us from in Texas. To sum up the whole, the United States, since they declared their independence, have acquired 2,373,046 square miles of territory, from which the North will have excluded the South, if she should succeed in monopolizing the newly acquired territories, about three fourths of the whole, leaving to the South but about one fourth.

Such is the first and great cause that has destroyed the equilibrium between the two sections in the Government.

The next is the system of revenue and disbursements which has been adopted by the Government. It is well known that the Government has derived its revenue mainly from duties on imports. I shall not undertake to show that such duties must necessarily fall mainly on

the exporting States, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue; because I deem it unnecessary, as the subject has on so many occasions been fully discussed. Nor shall I, for the same reason, undertake to show that a far greater portion of the revenue has been disbursed at the North, than its due share; and that the joint effect of these causes has been, to transfer a vast amount from South to North, which, under an equal system of revenue and disbursements, would not have been lost to her. If to this be added, that many of the duties were imposed, not for revenue, but for protection,—that is, intended to put money, not in the treasury, but directly into the pockets of the manufacturers,—some conception may be formed of the immense amount which, in the long course of sixty years, has been transferred from South to North. There are no data by which it can be estimated with any certainty; but it is safe to say that it amounts to hundreds of millions of dollars. Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and thus greatly increase her popula-

tion by attracting emigration from all quarters to that section.

This, combined with the great primary cause, amply explains why the North has acquired a preponderance in every department of the Government by its disproportionate increase of population and States. The former, as has been shown, has increased, in fifty years, 2,400,000 over that of the South. This increase of population, during so long a period, is satisfactorily accounted for, by the number of emigrants, and the increase of their descendants, which have been attracted to the northern section from Europe and the South, in consequence of the advantages derived from the causes assigned. If they had not existed—if the South had retained all the capital which had been extracted from her by the fiscal action of the Government; and, if it had not been excluded by the ordinance of 1787 and the Missouri compromise, from the region lying between the Ohio and the Mississippi rivers, and between the Mississippi and the Rocky Mountains north of 36° 30′—it scarcely admits of a doubt, that it would have divided the emigration with the North, and by retaining her own people, would have at least equalled the North in population

under the census of 1840, and probably under that about to be taken. She would also, if she had retained her equal rights in those territories, have maintained an equality in the number of States with the North, and have preserved the equilibrium between the two sections that existed at the commencement of the Government. The loss, then, of the equilibrium is to be attributed to the action of this Government.

But while these measures were destroying the equilibrium between the two sections, the action of the Government was leading to a radical change in its character, by concentrating all the power of the system in itself. The occasion will not permit me to trace the measures by which this great change has been consummated. If it did, it would not be difficult to show that the process commenced at an early period of the Government; and that it proceeded, almost without interruption, step by step, until it virtually absorbed its entire powers; but without going through the whole process to establish the fact, it may be done satisfactorily by a very short statement.

That the Government claims, and practically maintains, the right to decide in the last resort,

as to the extent of its powers, will scarcely be denied by any one conversant with the political history of the country. That it also claims the right to resort to force to maintain whatever power it claims against all opposition is equally certain. Indeed it is apparent, from what we daily hear, that this has become the prevailing and fixed opinion of a great majority of the community. Now, I ask, what limitation can possibly be placed upon the powers of a government claiming and exercising such rights? And, if none can be, how can the separate governments of the States maintain and protect the powers reserved to them by the Constitution—or the people of the several States maintain those which are reserved to them, and among others, the sovereign powers by which they ordained and established, not only their separate State Constitutions and Governments, but also the Constitution and Government of the United States? But, if they have no constitutional means of maintaining them against the right claimed by this Government, it necessarily follows, that they hold them at its pleasure and discretion, and that all the powers of the system are in reality concentrated in it. It also follows, that the character of the Government

has been changed in consequence, from a federal republic, as it originally came from the hands of its framers, into a great national consolidated democracy. It has indeed, at present, all the characteristics of the latter, and not of the former, although it still retains its outward form.

The result of the whole of those causes combined is, that the North has acquired a decided ascendency over every department of this Government, and through it a control over all the powers of the system. A single section governed by the will of the numerical majority, has now, in fact, the control of the Government and the entire powers of the system. What was once a constitutional federal republic, is now converted, in reality, into one as absolute as that of the Autocrat of Russia, and as despotic in its tendency as any absolute government that ever existed.

As, then, the North has the absolute control over the Government, it is manifest that on all questions between it and the South, where there is a diversity of interests, the interest of the latter will be sacrificed to the former, however oppressive the effects may be; as the South possesses no means by which it can re-

sist, through the action of the Government. But if there was no question of vital importance to the South, in reference to which there was a diversity of views between the two sections, this state of things might be endured without the hazard of destruction to the South. But such is not the fact. There is a question of vital importance to the southern section, in reference to which the views and feelings of the two sections are as opposite and hostile as they can possibly be.

I refer to the relation between the two races in the southern section, which constitutes a vital portion of her social organization. Every portion of the North entertains views and feelings more or less hostile to it. Those most opposed and hostile, regard it as a sin, and consider themselves under the most sacred obligation to use every effort to destroy it. Indeed, to the extent that they conceive that they have power, they regard themselves as implicated in the sin, and responsible for not suppressing it by the use of all and every means. Those less opposed and hostile, regarded it as a crime—an offence against humanity, as they call it; and, although not so fanatical, feel themselves bound to use all efforts to effect the same object; while those

who are least opposed and hostile, regard it as a blot and a stain on the character of what they call the Nation, and feel themselves accordingly bound to give it no countenance or support. On the contrary, the southern section regards the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation, and wretchedness; and accordingly they feel bound, by every consideration of interest and safety, to defend it.

This hostile feeling on the part of the North toward the social organization of the South long lay dormant, and it only required some cause to act on those who felt most intensely that they were responsible for its continuance, to call it into action. The increasing power of this Government, and of the control of the northern section over all its departments, furnished the cause. It was this which made the impression on the minds of many, that there was little or no restraint to prevent the Government from doing whatever it might choose to do. This was sufficient of itself to put the most fanatical portion of the North in action, for the purpose of destroying the existing relation between the two races in the South.

The first organized movement toward it commenced in 1835. Then, for the first time, societies were organized, presses established, lecturers sent forth to excite the people of the North, and incendiary publications scattered over the whole South, through the mail. The South was thoroughly aroused. Meetings were held everywhere, and resolutions adopted, calling upon the North to apply a remedy to arrest the threatened evil, and pledging themselves to adopt measures for their own protection, if it was not arrested. At the meeting of Congress, petitions poured in from the North, calling upon Congress to abolish slavery in the District of Columbia, and to prohibit, what they called, the internal slave trade between the States—announcing at the same time, that their ultimate object was to abolish slavery, not only in the District, but in the States and throughout the Union. At this period, the number engaged in the agitation was small, and possessed little or no personal influence.

Neither party in Congress had, at that time, any sympathy with them or their cause. The members of each party presented their petitions with great reluctance. Nevertheless, small, and contemptible as the party then was,

both of the great parties of the North dreaded them. They felt, that though small, they were organized in reference to a subject which had a great and commanding influence over the northern mind. Each party, on that account, feared to oppose their petitions, lest the opposite party should take advantage of the one who might do so, by favoring them. The effect was, that both united in insisting that the petitions should be received, and that Congress should take jurisdiction over the subject. To justify their course, they took the extraordinary ground, that Congress was bound to receive petitions on every subject, however objectionable they might be, and whether they had, or had not, jurisdiction over the subject. Those views prevailed in the House of Representatives, and partially in the Senate; and thus the party succeeded in their first movements, in gaining what they proposed—a position in Congress, from which agitation could be extended over the whole Union. This was the commencement of the agitation, which has ever since continued, and which, as is now acknowledged, has endangered the Union itself.

As for myself, I believed at that early period, if the party who got up the petitions should

succeed in getting Congress to take jurisdiction, that agitation would follow, and that it would in the end, if not arrested, destroy the Union. I then so expressed myself in debate, and called upon both parties to take grounds against assuming jurisdiction; but in vain. Had my voice been heeded, and had Congress refused to take jurisdiction, by the united votes of all parties, the agitation which followed would have been prevented, and the fanatical zeal that gave impulse to the agitation, and which has brought us to our present perilous condition, would have become extinguished, from the want of fuel to feed the flame. *That* was the time for the North to have shown her devotion to the Union; but, unfortunately, both of the great parties of that section were so intent on obtaining or retaining party ascendency, that all other considerations were overlooked or forgotten.

What has since followed are but natural consequences. With the success of their first movement, this small fanatical party began to acquire strength; and with that, to become an object of courtship to both the great parties. The necessary consequence was, a further increase of power, and a gradual tainting of the opinions of both the other parties with their doctrines,

until the infection has extended over both ; and the great mass of the population of the North, who, whatever may be their opinion of the original abolition party, which still preserves its distinctive organization, hardly ever fail, when it comes to acting, to co-operate in carrying out their measures. With the increase of their influence, they extended the sphere of their action. In a short time after the commencement of their first movement, they had acquired sufficient influence to induce the legislatures of most of the Northern States to pass acts, which in effect abrogated the clause of the Constitution that provides for the delivery up of fugitive slaves. Not long after, petitions followed to abolish slavery in forts, magazines, and dockyards, and all other places where Congress had exclusive power of legislation. This was followed by petitions and resolutions of legislatures of the Northern States, and popular meetings, to exclude the Southern States from all territories acquired, or to be acquired, and to prevent the admission of any State hereafter into the Union, which, by its constitution, does not prohibit slavery. And Congress is invoked to do all this, expressly with the view of the final abolition of slavery in the States. That

has been avowed to be the ultimate object from the beginning of the agitation until the present time; and yet the great body of both parties of the North, with the full knowledge of the fact, although disavowing the abolitionists, have co-operated with them in almost all their measures.

Such is a brief history of the agitation, as far as it has yet advanced. Now I ask, Senators, what is there to prevent its further progress, until it fulfils the ultimate end proposed, unless some decisive measure should be adopted to prevent it? Has any one of the causes, which has added to its increase from its original small and contemptible beginning until it has attained its present magnitude, diminished in force? Is the original cause of the movement—that slavery is a sin, and ought to be suppressed—weaker now than at the commencement? Or is the abolition party less numerous or influential, or have they less influence with, or less control over the two great parties of the North in elections? Or has the South greater means of influencing or controlling the movements of this Government now, than it had when the agitation commenced? To all these questions but one answer can be given: No, no, no. The very

reverse is true. Instead of being weaker, all the elements in favor of agitation are stronger now than they were in 1835, when it first commenced, while all the elements of influence on the part of the South are weaker. Unless something decisive is done, I again ask, what is to stop this agitation, before the great and final object at which it aims—the abolition of slavery in the States—is consummated? Is it, then, not certain, that if something is not done to arrest it, the South will be forced to choose between abolition and secession? Indeed, as events are now moving, it will not require the South to secede, in order to dissolve the Union. Agitation will of itself effect it, of which its past history furnishes abundant proof—as I shall next proceed to show.

It is a great mistake to suppose that disunion can be effected by a single blow. The cords which bound these States together in one common Union, are far too numerous and powerful for that. Disunion must be the work of time. It is only through a long process, and successively, that the cords can be snapped, until the whole fabric falls asunder. Already the agitation of the slavery question has snapped some of the most important, and has greatly weakened all the others, as I shall proceed to show.

The cords that bind the States together are not only many, but various in character. Some are spiritual or ecclesiastical; some political; others social. Some appertain to the benefit conferred by the Union, and others to the feeling of duty and obligation.

The strongest of those of a spiritual and ecclesiastical nature, consisted in the unity of the great religious denominations, all of which originally embraced the whole Union. All these denominations, with the exception, perhaps, of the Catholics, were organized very much upon the principle of our political institutions. Beginning with smaller meetings, corresponding with the political divisions of the country, their organization terminated in one great central assemblage, corresponding very much with the character of Congress. At these meetings the principal clergymen and lay members of the respective denominations from all parts of the Union, met to transact business relating to their common concerns. It was not confined to what appertained to the doctrines and discipline of the respective denominations, but extended to plans for disseminating the Bible—establishing missions, distributing tracts —and of establishing presses for the publication

of tracts, newspapers, and periodicals, with a view of diffusing religious information—and for the support of their respective doctrines and creeds. All this combined contributed greatly to strengthen the bonds of the Union. The ties which held each denomination together formed a strong cord to hold the whole Union together, but, powerful as they were, they have not been able to resist the explosive effect of slavery agitation.

The first of these cords which snapped, under its explosive force, was that of the powerful Methodist Episcopal Church. The numerous and strong ties which held it together, are all broken, and its unity is gone. They now form separate churches; and, instead of that feeling of attachment and devotion to the interests of the whole church which was formerly felt, they are now arrayed into two hostile bodies, engaged in litigation about what was formerly their common property.

The next cord that snapped was that of the Baptists—one of the largest and most respectable of the denominations. That of the Presbyterian is not entirely snapped, but some of its strands have given way. That of the Episcopal Church is the only one of the four great

Protestant denominations which remains unbroken and entire.

The strongest cord, of a political character, consists of the many and powerful ties that have held together the two great parties which have, with some modifications, existed from the beginning of the Government. They both extended to every portion of the Union, and strongly contributed to hold all its parts together. But this powerful cord has fared no better than the spiritual. It resisted, for a long time, the explosive tendency of the agitation, but has finally snapped under its force—if not entirely, in a great measure. Nor is there one of the remaining cords which has not been greatly weakened. To this extent the Union has already been destroyed by agitation, in the only way it can be, by sundering and weakening the cords which bind it together.

If the agitation goes on, the same force, acting with increased intensity, as has been shown, will finally snap every cord, when nothing will be left to hold the States together except force. But, surely, that can, with no propriety of language, be called a Union, when the only means by which the weaker is held connected with the stronger portion is *force*. It may, indeed,

keep them connected; but the connection will partake much more of the character of subjugation, on the part of the weaker to the stronger, than the union of free, independent States, in one confederation, as they stood in the early stages of the Government, and which only is worthy of the sacred name of Union.

Having now, Senators, explained what it is that endangers the Union, and traced it to its cause, and explained its nature and character, the question again recurs, How can the Union be saved? To this I answer, there is but one way by which it can be, and that is by adopting such measures as will satisfy the States belonging to the southern section, that they can remain in the Union consistently with their honor and their safety. There is, again, only one way by which this can be effected, and that is by removing the causes by which this belief has been produced. Do *this*, and discontent will cease, harmony and kind feelings between the sections be restored, and every apprehension of danger to the Union be removed. The question, then, is, How can this be done? But, before I undertake to answer this question, I propose to show by what the Union cannot be saved.

It cannot, then, be saved by eulogies on the Union, however splendid or numerous. The cry of "Union, Union, the glorious Union!" can no more prevent disunion than the cry of "Health, health, glorious health!" on the part of the physician, can save a patient lying dangerously ill. So long as the Union, instead of being regarded as a protector, is regarded in the opposite character, by not much less than a majority of the States, it will be in vain to attempt to conciliate them by pronouncing eulogies on it.

Besides, this cry of Union comes commonly from those whom we cannot believe to be sincere. It usually comes from our assailants. But we cannot believe them to be sincere; for, if they loved the Union, they would necessarily be devoted to the Constitution. It made the Union,—and to destroy the Constitution would be to destroy the Union. But the only reliable and certain evidence of devotion to the Constitution is to abstain, on the one hand, from violating it, and to repel, on the other, all attempts to violate it. It is only by faithfully performing these high duties that the Constitution can be preserved, and with it the Union.

But how stands the profession of devotion to

the Union by our assailants, when brought to this test? Have they abstained from violating the Constitution? Let the many acts passed by the Northern States to set aside and annul the clause of the Constitution providing for the delivery up of fugitive slaves answer. I cite this, not that it is the only instance (for there are many others), but because the violation in this particular is too notorious and palpable to be denied. Again: Have they stood forth faithfully to repel violations of the Constitution? Let their course in reference to the agitation of the slavery question, which was commenced and has been carried on for fifteen years, avowedly for the purpose of abolishing slavery in the States—an object all acknowledged to be unconstitutional,—answer. Let them show a single instance, during this long period, in which they have denounced the agitators or their attempts to effect what is admitted to be unconstitutional, or a single measure which they have brought forward for that purpose. How can we, with all these facts before us, believe that they are sincere in their profession of devotion to the Union, or avoid believing their profession is but intended to increase the vigor of their assaults and to weaken the force of our resistance?

Nor can we regard the profession of devotion to the Union, on the part of those who are not our assailants, as sincere, when they pronounce eulogies upon the Union, evidently with the intent of charging us with disunion, without uttering one word of denunciation against our assailants. If friends of the Union, their course should be to unite with us in repelling these assaults, and denouncing the authors as enemies of the Union. Why they avoid this, and pursue the course they do, it is for them to explain.

Nor can the Union be saved by invoking the name of the illustrious Southerner whose mortal remains repose on the western bank of the Potomac. He was one of us,—a slaveholder and a planter. We have studied his history, and find nothing in it to justify submission to wrong. On the contrary, his great fame rests on the solid foundation, that, while he was careful to avoid doing wrong to others, he was prompt and decided in repelling wrong. I trust that, in this respect, we profited by his example.

Nor can we find any thing in his history to deter us from seceding from the Union, should it fail to fulfil the objects for which it was insti-

tuted, by being permanently and hopelessly converted into the means of oppressing instead of protecting us. On the contrary, we find much in his example to encourage us, should we be forced to the extremity of deciding between submission and disunion.

There existed then, as well as now, a union —between the parent country and her colonies. It was a union that had much to endear it to the people of the colonies. Under its protecting and superintending care, the colonies were planted and grew up and prospered, through a long course of years, until they became populous and wealthy. Its benefits were not limited to them. Their extensive agricultural and other productions, gave birth to a flourishing commerce, which richly rewarded the parent country for the trouble and expense of establishing and protecting them. Washington was born and grew up to manhood under that Union. He acquired his early distinction in its service, and there is every reason to believe that he was devotedly attached to it. But his devotion was a national one. He was attached to it, not as an end, but as a means to an end. When it failed to fulfil its end, and, instead of affording protection, was converted into the

means of oppressing the colonies, he did not hesitate to draw his sword, and head the great movement by which that union was forever severed, and the independence of these States established. This was the great and crowning glory of his life, which has spread his fame over the whole globe, and will transmit it to the latest posterity.

Nor can the plan proposed by the distinguished Senator from Kentucky, nor that of the administration, save the Union. I shall pass by, without remark, the plan proposed by the Senator. I, however, assure the distinguished and able Senator, that, in taking this course, no disrespect whatever is intended to him or to his plan. I have adopted it because so many Senators of distinguished abilities, who were present when he delivered his speech, and explained his plan, and who were fully capable to do justice to the side they support, have replied to him. * * *

Having now shown what cannot save the Union, I return to the question with which I commenced, How can the Union be saved? There is but one way by which it can with any certainty; and that is, by a full and final settlement, on the principle of justice, of all the ques-

tions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer, but the Constitution; and no concession or surrender to make. She has already surrendered so much that she has little left to surrender. Such a settlement would go to the root of the evil, and remove all cause of discontent, by satisfying the South that she could remain honorably and safely in the Union, and thereby restore the harmony and fraternal feelings between the sections, which existed anterior to the Missouri agitation. Nothing else can, with any certainty, finally and forever settle the question at issue, terminate agitation, and save the Union.

But can this be done? Yes, easily; not by the weaker party, for it can, of itself do nothing, —not even protect itself—but by the stronger. The North has only to will it to accomplish it —to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled, to cease the agitation of the slave question, and to provide for the insertion of a provision in the Constitution, by an amendment, which will restore

to the South, in substance, the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government. There will be no difficulty in devising such a provision—one that will protect the South, and which, at the same time, will improve and strengthen the Government, instead of impairing and weakening it.

But will the North agree to this? It is for her to answer the question. But, I will say, she cannot refuse, if she has half the love for the Union which she professes to have, or without justly exposing herself to the charge that her love of power and aggrandizement is far greater than her love of the Union. At all events the responsibility of saving the Union rests on the North, and not on the South. The South cannot save it by any act of hers, and the North may save it without any sacrifice whatever, unless to do justice, and to perform her duties under the Constitution, should be regarded by her as a sacrifice.

It is time, Senators, that there should be an open and manly avowal on all sides, as to what is intended to be done. If the question is not now settled, it is uncertain whether it ever can

hereafter be; and we, as the representatives of the States of this Union, regarded as governments, should come to a distinct understanding as to our respective views, in order to ascertain whether the great questions at issue can be settled or not. If you, who represent the stronger portion, cannot agree to settle on the broad principle of justice and duty, say so; and let the States we both represent agree to separate and part in peace. If you are unwilling we should part in peace, tell us so, and we shall know what to do, when you reduce the question to submission or resistance. If you remain silent, you will compel us to infer by your acts what you intend. In that case, California will become the test question. If you admit her, under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired territories, with the intention of destroying, irretrievably, the equilibrium between the two sections. We would be blind not to perceive in that case, that your real objects are power and aggrandizement, and infatuated, not to act accordingly.

I have now, Senators, done my duty in expressing my opinions fully, freely and candidly,

on this solemn occasion. In doing so, I have been governed by the motives which have governed me in all the stages of the agitation of the slavery question since its commencement. I have exerted myself, during the whole period, to arrest it, with the intention of saving the Union, if it could be done; and if it could not, to save the section where it has pleased Providence to cast my lot, and which I sincerely believe has justice and the Constitution on its side. Having faithfully done my duty to the best of my ability, both to the Union and my section, throughout this agitation, I shall have the consolation, let what will come, that I am free from all responsibility.

DANIEL WEBSTER,

OF MASSACHUSETTS.

(BORN, 1782, DIED, 1852.)

ON THE CONSTITUTION AND THE UNION; SENATE OF THE UNITED STATES, MARCH 7, 1850.

MR. PRESIDENT:

I wish to speak to-day, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the Senate of the United States. It is fortunate that there is a Senate of the United States; a body not yet moved from its propriety, nor lost to a just sense of its own dignity and its own high responsibilities, and a body to which the country looks, with confidence, for wise, moderate, patriotic, and healing counsels. It is not to be denied that we live in the midst of strong agitations and are surrounded by very considerable dangers to our institutions and government. The imprisoned winds are let loose. The East, the North, and the stormy South combine to throw the whole sea into commotion, to toss its billows to

the skies, and disclose its profoundest depths. I do not affect to regard myself, Mr. President, as holding, or fit to hold, the helm in this combat with the political elements; but I have a duty to perform, and I mean to perform it with fidelity, not without a sense of existing dangers, but not without hope. I have a part to act, not for my own security or safety, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole, and the preservation of all; and there is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear for many days. I speak to-day for the preservation of the Union. "Hear me for my cause." I speak to-day out of a solicitous and anxious heart, for the restoration to the country of that quiet and that harmony which make the blessings of this Union so rich, and so dear to us all. These are the topics that I propose to myself to discuss; these are the motives, and the sole motives, that influence me in the wish to communicate my opinions to the Senate and the country; and if I can do any thing, however little, for the promotion of these ends, I shall have accomplished all that I expect.

* * * We all know, sir, that slavery has existed in the world from time immemorial. There was slavery in the earliest periods of history, among the Oriental nations. There was slavery among the Jews; the theocratic government of that people issued no injunction against it. There was slavery among the Greeks. * * * At the introduction of Christianity, the Roman world was full of slaves, and I suppose there is to be found no injunction against that relation between man and man in the teachings of the Gospel of Jesus Christ or of any of his apostles. * * * Now, sir, upon the general nature and influence of slavery there exists a wide difference of opinion between the northern portion of this country and the southern. It is said on the one side, that, although not the subject of any injunction or direct prohibition in the New Testament, slavery is a wrong; that it is founded merely in the right of the strongest; and that it is an oppression, like unjust wars, like all those conflicts by which a powerful nation subjects a weaker to its will; and that, in its nature, whatever may be said of it in the modifications which have taken place, it is not according to the meek spirit of the Gospel. It is not "kindly affectioned"; it does not "seek anoth-

er's, and not its own"; it does not "let the oppressed go free." These are sentiments that are cherished, and of late with greatly augmented force, among the people of the Northern States. They have taken hold of the religious sentiment of that part of the country, as they have, more or less, taken hold of the religious feelings of a considerable portion of mankind. The South upon the other side, having been accustomed to this relation between the two races all their lives; from their birth, having been taught, in general, to treat the subjects of this bondage with care and kindness, and I believe, in general, feeling great kindness for them, have not taken the view of the subject which I have mentioned. There are thousands of religious men, with consciences as tender as any of their brethren at the North, who do not see the unlawfulness of slavery; and there are more thousands, perhaps, that, whatsoever they may think of it in its origin, and as a matter depending upon natural rights, yet take things as they are, and, finding slavery to be an established relation of the society in which they live, can see no way in which, let their opinions on the abstract question be what they may, it is in the power of this generation to relieve themselves from

this relation. And candor obliges me to say, that I believe they are just as conscientious many of them, and the religious people, all of them, as they are at the North who hold different opinions.

There are men who, with clear perceptions, as they think, of their own duty, do not see how too eager a pursuit of one duty may involve them in the violation of others, or how too warm an embracement of one truth may lead to a disregard of other truths just as important. As I heard it stated strongly, not many days ago, these persons are disposed to mount upon some particular duty, as upon a war-horse, and to drive furiously on and upon and over all other duties that may stand in the way. There are men who, in reference to disputes of that sort, are of opinion that human duties may be ascertained with the exactness of mathematics. They deal with morals as with mathematics; and they think what is right may be distinguished from what is wrong with the precision of an algebraic equation. They have, therefore, none too much charity toward others who differ from them. They are apt, too, to think that nothing is good but what is perfect, and that there are no compromises or

modifications to be made in consideration of difference of opinion or in deference to other men's judgment. If their perspicacious vision enables them to detect a spot on the face of the sun, they think that a good reason why the sun should be struck down from heaven. They prefer the chance of running into utter darkness to living in heavenly light, if that heavenly light be not absolutely without any imperfection. * * *

But we must view things as they are. Slavery does exist in the United States. It did exist in the States before the adoption of this Constitution, and at that time. Let us, therefore, consider for a moment what was the state of sentiment, North and South, in regard to slavery,—in regard to slavery, at the time this Constitution was adopted. A remarkable change has taken place since; but what did the wise and great men of all parts of the country think of slavery then? In what estimation did they hold it at the time when this Constitution was adopted? It will be found, sir, if we will carry ourselves by historical research back to that day, and ascertain men's opinions by authentic records still existing among us, that there was no diversity of opinion between

the North and the South upon the subject of slavery. It will be found that both parts of the country held it equally an evil, a moral and political evil. It will not be found that, either at the North or at the South, there was much, though there was some, invective against slavery as inhuman and cruel. The great ground of objection to it was political; that it weakened the social fabric; that, taking the place of free labor, society became less strong and labor less productive; and therefore we find from all the eminent men of the time the clearest expression of their opinion that slavery is an evil. They ascribed its existence here, not without truth, and not without some acerbity of temper and force of language, to the injurious policy of the mother country, who, to favor the navigator, had entailed these evils upon the colonies. * * * You observe, sir, that the term *slave*, or *slavery*, is not used in the Constitution. The Constitution does not require that "fugitive slaves" shall be deliverd up. It requires that persons held to service in one State, and escaping into another, shall be delivered up. Mr. Madison opposed the introduction of the term *slave*, or *slavery*, into the Constitution; for he said, that he did

not wish to see it recognized by the Constitution of the United States of America that there could be property in men. * * *

Here we may pause. There was, if not an entire unanimity, a general concurrence of sentiment running through the whole community, and especially entertained by the eminent men of all parts of the country. But soon a change began, at the North and the South, and a difference of opinion showed itself; the North growing much more warm and strong against slavery, and the South growing much more warm and strong in its support. Sir, there is no generation of mankind whose opinions are not subject to be influenced by what appear to them to be their present emergent and exigent interests. I impute to the South no particularly selfish view in the change which has come over her. I impute to her certainly no dishonest view. All that has happened has been natural. It has followed those causes which always influence the human mind and operate upon it. What, then, have been the causes which have created so new a feeling in favor of slavery in the South, which have changed the whole nomenclature of the South on that subject, so that, from being thought and described in

the terms I have mentioned and will not repeat, it has now become an institution, a cherished institution, in that quarter; no evil, no scourge, but a great religious, social, and moral blessing, as I think I have heard it latterly spoken of? I suppose this, sir, is owing to the rapid growth and sudden extension of the cotton plantations of the South. So far as any motive consistent with honor, justice, and general judgment could act, it was the cotton interest that gave a new desire to promote slavery, to spread it, and to use its labor. * * *

Mr. President, sometimes when a man is found in a new relation to things around him and to other men, he says the world has changed, and that he is not changed. I believe, sir, that our self-respect leads us often to make this declaration in regard to ourselves when it is not exactly true. An individual is more apt to change, perhaps, than all the world around him. But under the present circumstances, and under the responsibility which I know I incur by what I am now stating here, I feel at liberty to recur to the various expressions and statements, made at various times, of my own opinions and resolutions respecting the admission of Texas, and all that has followed.

* * * On other occasions, in debate here, I have expressed my determination to vote for no acquisition, or cession, or annexation, North or South, East or West. My opinion has been, that we have territory enough, and that we should follow the Spartan maxim: "Improve, adorn what you have,"—seek no further. I think that it was in some observations that I made on the three million loan bill that I avowed this sentiment. In short, sir, it has been avowed quite as often in as many places, and before as many assemblies, as any humble opinions of mine ought to be avowed.

But now that, under certain conditions, Texas is in the Union, with all her territory, as a slave State, with a solemn pledge also that, if she shall be divided into many States, those States may come in as slave States south of 36° 30′, how are we to deal with this subject? I know no way of honest legislation, when the proper time comes for the enactment, but to carry into effect all that we have stipulated to do. * * * That is the meaning of the contract which our friends, the northern Democracy, have left us to fulfil; and I, for one, mean to fulfil it, because I will not violate the faith of the Government. What I mean to say is, that

the time for the admission of new States formed out of Texas, the number of such States, their boundaries, the requisite amount of population, and all other things connected with the admission, are in the free discretion of Congress, except this: to wit, that when new States formed out of Texas are to be admitted, they have a right, by legal stipulation and contract, to come in as slave States.

Now, as to California and New Mexico, I hold slavery to be excluded from these territories by a law even superior to that which admits and sanctions it in Texas. I mean the law of nature, of physical geography, the law of the formation of the earth. That law settles forever, with a strength beyond all terms of human enactment, that slavery cannot exist in California or New Mexico. Understand me, sir; I mean slavery as we regard it; the slavery of the colored race as it exists in the southern States. I shall not discuss the point, but leave it to the learned gentlemen who have undertaken to discuss it; but I suppose there is no slavery of that description in California now. I understand that *peonism*, a sort of penal servitude, exists there, or rather a sort of voluntary sale of a man and his offspring for debt, an ar-

rangement of a peculiar nature known to the law of Mexico. But what I mean to say is, that it is impossible that African slavery, as we see it among us, should find its way, or be introduced, into California and New Mexico, as any other natural impossibility. California and New Mexico are Asiatic in their formation and scenery. They are composed of vast ridges of mountains of great height, with broken ridges and deep valleys. The sides of these mountains are entirely barren ; their tops capped by perennial snow. There may be in California, now made free by its constitution, and no doubt there are, some tracts of valuable land. But it is not so in New Mexico. Pray, what is the evidence which every gentleman must have obtained on this subject, from information sought by himself or communicated by others ? I have inquired and read all I could find, in order to acquire information on this important subject. What is there in New Mexico that could, by any possibility, induce anybody to go there with slaves ! There are some narrow strips of tillable land on the borders of the rivers ; but the rivers themselves dry up before midsummer is gone. All that the people can do in that region is to raise some little articles, some little

wheat for their *tortillas*, and that by irrigation. And who expects to see a hundred black men cultivating tobacco, corn, cotton, rice, or any thing else, on lands in New Mexico, made fertile by irrigation ?

I look upon it, therefore, as a fixed fact, to use the current expression of the day, that both California and New Mexico are destined to be free, so far as they are settled at all, which I believe, in regard to New Mexico, will be but partially, for a great length of time; free by the arrangement of things ordained by the Power above us. I have therefore to say, in this respect also, that this country is fixed for freedom, to as many persons as shall ever live in it, by a less repealable law than that which attaches to the right of holding slaves in Texas; and I will say further, that, if a resolution or a bill were now before us, to provide a territorial government for New Mexico, I would not vote to put any prohibition into it whatever. Such a prohibition would be idle, as it respects any effect it would have upon the territory; and I would not take pains uselessly to reaffirm an ordinance of nature, nor to re-enact the will of God. I would put in no Wilmot proviso for the mere purpose of a taunt or a reproach. I

would put into it no evidence of the votes of superior power, exercised for no purpose but to wound the pride, whether a just and a rational pride, or an irrational pride, of the citizens of the southern States. I have no such object, no such purpose. They would think it a taunt, an indignity; they would think it to be an act taking away from them what they regard as a proper equality of privilege. Whether they expect to realize any benefit from it or not, they would think it at least a plain theoretic wrong; that something more or less derogatory to their character and their rights had taken place. I propose to inflict no such wound upon anybody, unless something essentially important to the country, and efficient to the preservation of liberty and freedom, is to be effected. I repeat, therefore, sir, and, as I do not propose to address the Senate often on this subject, I repeat it because I wish it to be distinctly understood, that, for the reasons stated, if a proposition were now here to establish a government for New Mexico, and it was moved to insert a provision for a prohibition of slavery, I would not vote for it. * * * Sir, we hear occasionally of the annexation of Canada; and if there be any man, any of the

northern Democracy, or any of the Free Soil party, who supposes it necessary to insert a Wilmot Proviso in a territorial government for New Mexico, that man would, of course, be of opinion that it is necessary to protect the everlasting snows of Canada from the foot of slavery by the same overspreading wing of an act of Congress. Sir, wherever there is a substantive good to be done, wherever there is a foot of land to be prevented from becoming slave territory, I am ready to assert the principle of the exclusion of slavery. I am pledged to it from the year 1837; I have been pledged to it again and again; and I will perform these pledges; but I will not do a thing unnecessarily that wounds the feelings of others, or that does discredit to my own understanding. * * *

Mr. President, in the excited times in which we live, there is found to exist a state of crimination and recrimination between the North and South. There are lists of grievances produced by each; and those grievances, real or supposed, alienate the minds of one portion of the country from the other, exasperate the feelings, and subdue the sense of fraternal affection, patriotic love, and mutual regard. I

shall bestow a little attention, sir, upon these various grievances existing on the one side and on the other. I begin with complaints of the South. I will not answer, further than I have, the general statements of the honorable Senator from South Carolina, that the North has prospered at the expense of the South in consequence of the manner of administering this Government, in the collection of its revenues, and so forth. These are disputed topics, and I have no inclination to enter into them. But I will allude to other complaints of the South, and especially to one which has in my opinion, just foundation; and that is, that there has been found at the North, among individuals and among legislators, a disinclination to perform fully their constitutional duties in regard to the return of persons bound to service who have escaped into the free States. In that respect, the South, in my judgment, is right, and the North is wrong. Every member of every Northern legislature is bound by oath, like every other officer in the country, to support the Constitution of the United States; and the article of the Constitution which says to these States that they shall deliver up fugitives from service, is as binding in honor and

conscience as any other article. No man fulfils his duty in any legislature who sets himself to find excuses, evasions, escapes from this constitutional obligation. I have always thought that the Constitution addressed itself to the legislatures of the States or to the States themselves. It says that those persons escaping to other States "shall be delivered up," and I confess I have always been of the opinion that it was an injunction upon the States themselves. When it is said that a person escaping into another State, and coming therefore within the jurisdiction of that State, shall be delivered up, it seems to me the import of the clause is, that the State itself, in obedience to the Constitution, shall cause him to be delivered up. That is my judgment. I have always entertained that opinion, and I entertain it now. But when the subject, some years ago, was before the Supreme Court of the United States, the majority of the judges held that the power to cause fugitives from service to be delivered up was a power to be exercised under the authority of this Government, I do not know, on the whole, that it may not have been a fortunate decision. My habit is to respect the result of judicial deliberations and the

solemnity of judicial decisions. As it now stands, the business of seeing that these fugitives are delivered up resides in the power of Congress and the national judicature, and my friend at the head of the Judiciary Committee has a bill on the subject now before the Senate, which, with some amendments to it, I propose to support, with all its provisions, to the fullest extent. And I desire to call the attention of all sober-minded men at the North, of all conscientious men, of all men who are not carried away by some fanatical idea or some false impression, to their constitutional obligations. I put it to all the sober and sound minds at the North as a question of morals and a question of conscience. What right have they, in their legislative capacity, or any other capacity, to endeavor to get round this Constitution, or to embarrass the free exercise of the rights secured by the Constitution, to the person whose slaves escape from them? None at all; none at all. Neither in the forum of conscience, nor before the face of the Constitution, are they, in my opinion, justified in such an attempt. Of course it is a matter for their consideration. They probably, in the excitement of the times, have not stopped to consider this. They have fol-

lowed what seemed to be the current of thought and of motives, as the occasion arose, and they have neglected to investigate fully the real question, and to consider their constitutional obligations; which, I am sure, if they did consider, they would fulfil with alacrity. I repeat, therefore, sir, that here is a well-founded ground of complaint against the North, which ought to be removed, which is now in the power of the different departments of this government to remove; which calls for the enactment of proper laws authorizing the judicature of this Government, in the several States, to do all that is necessary for the recapture of fugitive slaves and for their restoration to those who claim them. Wherever I go, and whenever I speak on the subject, and when I speak here I desire to speak to the whole North, I say that the South has been injured in this respect, and has a right to complain; and the North has been too careless of what I think the Constitution peremptorily and emphatically enjoins upon her as a duty.

Complaint has been made against certain resolutions that emanate from legislatures at the North, and are sent here to us, not only on the subject of slavery in this District, but some-

times recommending Congress to consider the means of abolishing slavery in the States. I should be sorry to be called upon to present any resolutions here which could not be referable to any committee or any power in Congress; and therefore I should be unwilling to receive from the legislature of Massachusetts any instructions to present resolutions expressive of any opinion whatever on the subject of slavery, as it exists at the present moment in the States, for two reasons: because I do not consider that I, as her representative here, have any thing to do with it. It has become, in my opinion, quite too common; and if the legislatures of the States do not like that opinion, they have a great deal more power to put it down than I have to uphold it; it has become, in my opinion, quite too common a practice for the State legislatures to present resolutions here on all subjects and to instruct us on all subjects. There is no public man that requires instruction more than I do, or who requires information more than I do, or desires it more heartily; but I do not like to have it in too imperative a shape. * * *

Then, sir, there are the Abolition societies, of which I am unwilling to speak, but in regard

to which I have very clear notions and opinions. I do not think them useful. I think their operations for the last twenty years have produced nothing good or valuable. At the same time, I believe thousands of their members to be honest and good men, perfectly well-meaning men. They have excited feelings; they think they must do something for the cause of liberty; and, in their sphere of action, they do not see what else they can do than to contribute to an abolition press, or an abolition society, or to pay an abolition lecturer. I do not mean to impute gross motives even to the leaders of these societies, but I am not blind to the consequences of their proceedings. I cannot but see what mischief their interference with the South has produced. And is it not plain to every man? Let any gentleman who entertains doubts on this point, recur to the debates in the Virginia House of Delegates in 1832, and he will see with what freedom a proposition made by Mr. Jefferson Randolph, for the gradual abolition of slavery was discussed in that body. Every one spoke of slavery as he thought; very ignominous and disparaging names and epithets were applied to it. The debates in the House of Delegates on

that occasion, I believe were all published. They were read by every colored man who could read, and to those who could not read, those debates were read by others. At that time Virginia was not unwilling or afraid to discuss this question, and to let that part of her population know as much of the discussion as they could learn. That was in 1832. As has been said by the honorable member from South Carolina, these abolition societies commenced their course of action in 1835. It is said, I do not know how true it may be, that they sent incendiary publications into the slave States; at any rate, they attempted to arouse, and did arouse, a very strong feeling; in other words, they created great agitation in the North against Southern slavery. Well, what was the result? The bonds of the slaves were bound more firmly than before, their rivets were more strongly fastened. Public opinion, which in Virginia had begun to be exhibited against slavery, and was opening out for the discussion of the question, drew back and shut itself up in its castle. I wish to know whether anybody in Virginia can now talk openly, as Mr. Randolph, Governor McDowel, and others talked in 1832, and sent their remarks to the

press? We all know the fact, and we all know the cause; and every thing that these agitating people have done has been, not to enlarge, but to restrain, not to set free, but to bind faster, the slave population of the South. * * *

There are also complaints of the North against the South. I need not go over them particularly. The first and gravest is, that the North adopted the Constitution, recognizing the existence of slavery in the States, and recognizing the right, to a certain extent, of the representation of slaves in Congress, under a state of sentiment and expectation which does not now exist; and that by events, by circumstances, by the eagerness of the South to acquire territory and extend her slave population, the North finds itself, in regard to the relative influence of the South and the North, of the free States and the slave States, where it never did expect to find itself when they agreed to the compact of the Constitution. They complain, therefore, that, instead of slavery being regarded as an evil, as it was then, an evil which all hoped would be extinguished gradually, it is now regarded by the South as an institution to be cherished, and preserved, and extended; an institution which the South has

already extended to the utmost of her power by the acquisition of new territory.

Well, then, passing from that, everybody in the North reads; and everybody reads whatsoever the newspapers contain; and the newspapers, some of them, especially those presses to which I have alluded, are careful to spread about among the people every reproachful sentiment uttered by any Southern man bearing at all against the North; every thing that is calculated to exasperate and to alienate; and there are many such things, as everybody will admit, from the South, or from portions of it, which are disseminated among the reading people; and they do exasperate, and alienate, and produce a most mischievous effect upon the public mind at the North. Sir, I would not notice things of this sort appearing in obscure quarters; but one thing has occurred in this debate which struck me very forcibly. An honorable member from Louisiana addressed us the other day on this subject. I suppose there is not a more amiable and worthy gentleman in this chamber, nor a gentleman who would be more slow to give offence to any body, and he did not mean in his remarks to give offence. But what did he say? Why,

sir, he took pains to run a contrast between the slaves of the South and the laboring people of the North, giving the preference, in all points of condition, and comfort, and happiness to the slaves of the South. The honorable member, doubtless, did not suppose that he gave any offence, or did any injustice. He was merely expressing his opinion. But does he know how remarks of that sort will be received by the laboring people of the North? Why, who are the laboring people of the North? They are the whole North. They are the people who till their own farms with their own hands; freeholders, educated men, independent men. Let me say, sir, that five sixths of the whole property of the North is in the hands of the laborers of the North; they cultivate their farms, they educate their children, they provide the means of independence. If they are not freeholders, they earn wages; these wages accumulate, are turned into capital, into new freeholds, and small capitalists are created. Such is the case, and such the course of things, among the industrious and frugal. And what can these people think when so respectable and worthy a gentleman as the member from Louisiana undertakes to

prove that the absolute ignorance and the abject slavery of the South are more in conformity with the high purposes and destiny of immortal, rational, human beings, than the educated, the independent free labor of the North ?

There is a more tangible and irritating cause of grievance at the North. Free blacks are constantly employed in the vessels of the North, generally as cooks or stewards. When the vessel arrives at a southern port, these free colored men are taken on shore, by the police or municipal authority, imprisoned, and kept in prison till the vessel is again ready to sail. This is not only irritating, but exceedingly unjustifiable and oppressive. Mr. Hoar's mission, some time ago to South Carolina, was a well-intended effort to remove this cause of complaint. The North thinks such imprisonments illegal and unconstitutional ; and as the cases occur constantly and frequently they regard it as a grievance.

Now, sir, so far as any of these grievances have their foundation in matters of law, they can be redressed, and ought to be redressed ; and so far as they have their foundation in matters of opinion, in sentiment, in mutual crimination and recrimination, all that we can

do is to endeavor to allay the agitation, and cultivate a better feeling and more fraternal sentiments between the South and the North.

Mr. President, I should much prefer to have heard from every member on this floor declarations of opinion that this Union could never be dissolved, than the declaration of opinion by anybody, that in any case, under the pressure of any circumstances, such a dissolution was possible. I hear with distress and anguish the word "secession," especially when it falls from the lips of those who are patriotic, and known to the country, and known all over the world for their political services. Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish—I beg everybody's pardon—as to expect to see any such thing? Sir, he who sees these States, now revolving in harmony around a common centre, and expects to see them quit their places and fly off without convulsion, may look the next hour to see the heavenly bodies rush from their spheres, and jostle against each other in the realms of space,

without causing the wreck of the universe. There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility. Is the great Constitution under which we live, covering this whole country, is it to be thawed and melted away by secession, as the snows on the mountain melt under the influence of a vernal sun, disappear almost unobserved, and run off? No, sir! No, sir! I will not state what might produce the disruption of the Union; but, sir, I see as plainly as I can see the sun in heaven what that disruption itself must produce; I see that it must produce war, and such a war as I will not describe, *in its twofold character*.

Peaceable secession! Peaceable secession! The concurrent agreement of all the members of this great Republic to separate! A voluntary separation, with alimony on one side and on the other. Why, what would be the result? Where is the line to be drawn? What States are to secede? What is to remain American? What am I to be? An American no longer? Am I to become a sectional man, a local man, a separatist, with no country in common with the gentlemen who sit around me here, or who fill the other house of Con-

gress? Heaven forbid! Where is the flag of the Republic to remain? Where is the eagle still to tower? or is he to cower, and shrink, and fall to the ground? Why, sir, our ancestors, our fathers and our grandfathers, those of them that are yet living amongst us with prolonged lives, would rebuke and reproach us; and our children and our grandchildren would cry out shame upon us, if we of this generation should dishonor these ensigns of the power of the Government and the harmony of that Union which is every day felt among us with so much joy and gratitude. What is to become of the army? What is to become of the navy? What is to become of the public lands? How is each of the thirty States to defend itself? I know, although the idea has not been stated distinctly, there is to be, or it is supposed possible that there will be, a Southern Confederacy. I do not mean, when I allude to this statement, that any one seriously contemplates such a state of things. I do not mean to say that it is true, but I have heard it suggested elsewhere, that the idea has been entertained, that, after the dissolution of this Union, a Southern Confederacy might be formed. I am sorry, sir, that it has ever been thought of, talked of, in the

wildest flights of human imagination. But the idea, so far as it exists, must be of a separation, assigning the slave States to one side, and the free States to the other. Sir, I may express myself too strongly, perhaps, but there are impossibilities in the natural as well as in the physical world, and I hold the idea of the separation of these States, those that are free to form one government, and those that are slave-holding to form another, as such an impossibility. We could not separate the States by any such line, if we were to draw it. We could not sit down here to-day and draw a line of separation that would satisfy any five men in the country. There are natural causes that would keep and tie us together, and there are social and domestic relations which we could not break if we would, and which we should not if we could.

Sir, nobody can look over the face of this country at the present moment, nobody can see where its population is the most dense and growing, without being ready to admit, and compelled to admit, that erelong the strength of America will be in the Valley of the Mississippi. Well, now, sir, I beg to inquire what the wildest enthusiast has to say on the possi-

bility of cutting that river in two, and leaving free States at its source and on its branches, and slave States down near its mouth, each forming a separate government? Pray, sir, let me say to the people of this country, that these things are worthy of their pondering and of their consideration. Here, sir, are five millions of freemen in the free States north of the river Ohio. Can anybody suppose that this population can be severed, by a line that divides them from the territory of a foreign and alien government, down somewhere, the Lord knows where, upon the lower banks of the Mississippi? What would become of Missouri? Will she join the *arrondissement* of the slave States? Shall the man from the Yellowstone and the Platte be connected, in the new republic, with the man who lives on the southern extremity of the Cape of Florida? Sir, I am ashamed to pursue this line of remark. I dislike it, I have an utter disgust for it. I would rather hear of natural blasts and mildews, war, pestilence, and famine, than to hear gentlemen talk of secession. To break up this great Government! to dismember this glorious country! to astonish Europe with an act of folly such as Europe for two centuries has never beheld in

any government or any people! No, sir! no, sir! There will be no secession! Gentlemen are not serious when they talk of secession.

Sir, I hear there is to be a convention held at Nashville. I am bound to believe that if worthy gentlemen meet at Nashville in convention, their object will be to adopt conciliatory counsels; to advise the South to forbearance and moderation, and to advise the North to forbearance and moderation; and to inculcate principles of brotherly love and affection, and attachment to the Constitution of the country as it now is. I believe, if the convention meet at all, it will be for this purpose; for certainly, if they meet for any purpose hostile to the Union, they have been singularly inappropriate in their selection of a place. I remember, sir, that, when the treaty of Amiens was concluded between France and England, a sturdy Englishman and a distinguished orator, who regarded the conditions of the peace as ignominious to England, said in the House of Commons, that if King William could know the terms of that treaty, he would turn in his coffin! Let me commend this saying to Mr. Windham, in all its emphasis and in all its force, to any persons who shall meet at Nash-

ville for the purpose of concerting measures for the overthrow of this Union over the bones of Andrew Jackson. * * *

And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in those caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come out into the light of the day; let us enjoy the fresh air of Liberty and Union; let us cherish those hopes which belong to us; let us devote ourselves to those great objects that are fit for our consideration and our action; let us raise our conceptions to the magnitude and the importance of the duties that devolve upon us; let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny; let us not be pigmies in a case that calls for men. Never did there devolve on any generation of men higher trusts than now devolve upon us, for the preservation of this Constitution and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest and brightest links in that golden chain which is destined, I fondly believe, to grapple the people of all the States to this Constitution for ages to

come. We have a great, popular, Constitutional Government, guarded by law and by judicature, and defended by the affections of the whole people. No monarchical throne presses these States together, no iron chain of military power encircles them; they live and stand under a Government popular in its form, representative in its character, founded upon principles of equality, and so constructed, we hope, as to last forever. In all its history it has been beneficent; it has trodden down no man's liberty; it has crushed no State. Its daily respiration is liberty and patriotism; its yet youthful veins are full of enterprise, courage, and honorable love of glory and renown. Large before, the country has now, by recent events, become vastly larger. This Republic now extends, with a vast breadth across the whole continent. The two great seas of the world wash the one and the other shore. We realize, on a mighty scale, the beautiful description of the ornamental border of the buckler of Achilles:

> "Now, the broad shield complete, the artist crowned
> With his last hand, and poured the ocean round;
> In living silver seemed the waves to roll,
> And beat the buckler's verge, and bound the whole."

HENRY CLAY,

OF KENTUCKY.

(BORN 1777, DIED 1852.)

ON THE COMPROMISE OF 1850; UNITED STATES SENATE, JULY 22, 1850.

MR. PRESIDENT:

In the progress of this debate it has been again and again argued that perfect tranquillity reigns throughout the country, and that there is no disturbance threatening its peace, endangering its safety, but that which was produced by busy, restless politicians. It has been maintained that the surface of the public mind is perfectly smooth and undisturbed by a single billow. I most heartily wish I could concur in this picture of general tranquillity that has been drawn upon both sides of the Senate. I am no alarmist; nor, I thank God, at the advanced age at which His providence has been pleased to allow me to reach, am I very easily alarmed by any human event; but I totally

misread the signs of the times, if there be that state of profound peace and quiet, that absence of all just cause of apprehension of future danger to this confederacy, which appears to be entertained by some other senators. Mr. President, all the tendencies of the times, I lament to say, are toward disquietude, if not more fatal consequences. When before, in the midst of profound peace with all the nations of the earth, have we seen a convention, representing a considerable portion of one great part of the Republic, meet to deliberate about measures of future safety in connection with great interests of that quarter of the country? When before have we seen, not one, but more—some half a dozen legislative bodies solemnly resolving that if any one of these measures—the admission of California, the adoption of the Wilmot proviso, the abolition of slavery in the District of Columbia—should be adopted by Congress, measures of an extreme character, for the safety of the great interests to which I refer, in a particular section of the country, would be resorted to? For years, this subject of the abolition of slavery, even within this District of Columbia, small as is the number of slaves here, has been a source of constant irritation and disquiet. So

of the subject of the recovery of fugitive slaves who have escaped from their lawful owners: not a mere border contest, as has been supposed—although there, undoubtedly, it has given rise to more irritation than in other portions of the Union—but everywhere throughout the slave-holding country it has been felt as a great evil, a great wrong which required the intervention of congressional power. But these two subjects, unpleasant as has been the agitation to which they have given rise, are nothing in comparison to those which have sprung out of the acquisitions recently made from the Republic of Mexico. These are not only great and leading causes of just apprehension as respects the future, but all the minor circumstances of the day intimate danger ahead, whatever may be its final issue and consequence.

Mr. President, I will not dwell upon other concomitant causes, all having the same tendency, and all well calculated to awaken, to arouse us—if, as I hope the fact is, we are all of us sincerely desirous of preserving this Union—to rouse us to dangers which really exist, without underrating them upon the one hand, or magnifying them upon the other. * * *

It has been objected against this measure

that it is a compromise. It has been said that it is a compromise of principle, or of a principle. Mr. President, what is a compromise? It is a work of mutual concession—an agreement in which there are reciprocal stipulations—a work in which, for the sake of peace and concord, one party abates his extreme demands in consideration of an abatement of extreme demands by the other party: it is a measure of mutual concession—a measure of mutual sacrifice. Undoubtedly, Mr. President, in all such measures of compromise, one party would be very glad to get what he wants, and reject what he does not desire, but which the other party wants. But when he comes to reflect that, from the nature of the Government and its operations, and from those with whom he is dealing, it is necessary upon his part, in order to secure what he wants, to grant something to the other side, he should be reconciled to the concession which he has made, in consequence of the concession which he is to receive, if there is no great principle involved, such as a violation of the Constitution of the United States. I admit that such a compromise as that ought never to be sanctioned or adopted. But I now call upon any senator in his place to point out

from the beginning to the end, from California to New Mexico, a solitary provision in this bill which is violative of the Constitution of the United States.

Sir, adjustments in the shape of compromise may be made without producing any such consequences as have been apprehended. There may be a mutual forbearance. You forbear on your side to insist upon the application of the restriction denominated the Wilmot proviso. Is there any violation of principle there? The most that can be said, even assuming the power to pass the Wilmot proviso, which is denied, is that there is a forbearance to exercise, not a violation of, the power to pass the proviso. So, upon the other hand, if there was a power in the Constitution of the United States authorizing the establishment of slavery in any of the Territories—a power, however, which is controverted by a large portion of this Senate—if there was a power under the Constitution to establish slavery, the forbearance to exercise that power is no violation of the Constitution, any more than the Constitution is violated by a forbearance to exercise numerous powers, that might be specified, that are granted in the Constitution, and that remain dormant until they

come to be exercised by the proper legislative authorities. It is said that the bill presents the state of coercion—that members are coerced, in order to get what they want, to vote for that which they disapprove. Why, sir, what coercion is there? * * * Can it be said upon the part of our Northern friends, because they have not got the Wilmot proviso incorporated in the territorial part of the bill, that they are coerced—wanting California, as they do, so much—to vote for the bill, if they do vote for it? Sir, they might have imitated the noble example of my friend (Senator Cooper, of Pennsylvania), from that State upon whose devotion to this Union I place one of my greatest reliances for its preservation. What was the course of my friend upon this subject of the Wilmot proviso? He voted for it; and he could go back to his constituents and say, as all of you could go back and say to your constituents, if you chose to do so—"We wanted the Wilmot proviso in the bill; we tried to get it in; but the majority of the Senate was against it." The question then came up whether we should lose California, which has got an interdiction in her constitution, which, in point of value and duration, is worth a thou-

sand Wilmot provisos; we were induced, as my honorable friend would say, to take the bill and the whole of it together, although we were disappointed in our votes with respect to the Wilmot proviso—to take it, whatever omissions may have been made, on account of the superior amount of good it contains. * * *

Not the reception of the treaty of peace negotiated at Ghent, nor any other event which has occurred during my progress in public life, ever gave such unbounded and universal satisfaction as the settlement of the Missouri compromise. We may argue from like causes like effects. Then, indeed, there was great excitement. Then, indeed, all the legislatures of the North called out for the exclusion of Missouri, and all the legislatures of the South called out for her admission as a State. Then, as now, the country was agitated like the ocean in the midst of a turbulent storm. But now, more than then, has this agitation been increased. Now, more than then, are the dangers which exist, if the controversy remains unsettled, more aggravated and more to be dreaded. The idea of disunion was then scarcely a low whisper. Now, it has become a familar language in certain portions of the country. The public

mind and the public heart are becoming familiarized with that most dangerous and fatal of all events—the disunion of the States. People begin to contend that this is not so bad a thing as they had supposed. Like the progress in all human affairs, as we approach danger it disappears, it diminishes in our conception, and we no longer regard it with that awful apprehension of consequences that we did before we came into contact with it. Everywhere now there is a state of things, a degree of alarm and apprehension, and determination to fight, as they regard it, against the aggressions of the North. That did not so demonstrate itself at the period of the Missouri compromise. It was followed, in consequence of the adoption of the measure which settled the difficulty of Missouri, by peace, harmony, and tranquillity. So, now, I infer, from the greater amount of agitation, from the greater amount of danger, that, if you adopt the measures under consideration, they, too, will be followed by the same amount of contentment, satisfaction, peace, and tranquillity, which ensued after the Missouri compromise. * * *

The responsibility of this great measure passes from the hands of the committee, and

from my hands. They know, and I know, that it is an awful and tremendous responsibility. I hope that you will meet it with a just conception and a true appreciation of its magnitude, and the magnitude of the consequences that may ensue from your decision one way or the other. The alternatives, I fear, which the measure presents, are concord and increased discord; a servile civil war, originating in its causes on the lower Rio Grande, and terminating possibly in its consequences on the upper Rio Grande in the Santa Fé country, or the restoration of harmony and fraternal kindness. I believe from the bottom of my soul, that the measure is the reunion of this Union. I believe it is the dove of peace, which, taking its aërial flight from the dome of the Capitol, carries the glad tidings of assured peace and restored harmony to all the remotest extremities of this distracted land. I believe that it will be attended with all these beneficent effects. And now let us discard all resentment, all passions, all petty jealousies, all personal desires, all love of place, all hankerings after the gilded crumbs which fall from the table of power. Let us forget popular fears, from whatever quarter they may spring. Let us go to the limpid fountain of unadulter-

ated patriotism, and, performing a solemn lustration, return divested of all selfish, sinister, and sordid impurities, and think alone of our God, our country, our consciences, and our glorious Union—that Union without which we shall be torn into hostile fragments, and sooner or later become the victims of military despotism, or foreign domination.

Mr. President, what is an individual man? An atom, almost invisible without a magnifying glass—a mere speck upon the surface of the immense universe; not a second in time, compared to immeasurable, never-beginning, and never-ending eternity; a drop of water in the great deep, which evaporates and is borne off by the winds; a grain of sand, which is soon gathered to the dust from which it sprung. Shall a being so small, so petty, so fleeting, so evanescent, oppose itself to the onward march of a great nation, which is to subsist for ages and ages to come; oppose itself to that long line of posterity which, issuing from our loins, will endure during the existence of the world? Forbid it, God. Let us look to our country and our cause, elevate ourselves to the dignity of pure and disinterested patriots, and save our country from all impending dangers. What if, in the

march of this nation to greatness and power, we should be buried beneath the wheels that propel it onward! What are we—what is any man—worth who is not ready and willing to sacrifice himself for the benefit of his country when it is necessary? * * *

If this Union shall become separated, new unions, new confederacies will arise. And with respect to this, if there be any—I hope there is no one in the Senate—before whose imagination is flitting the idea of a great Southern Confederacy to take possession of the Balize and the mouth of the Mississippi, I say in my place never! *never!* NEVER! will we who occupy the broad waters of the Mississippi and its upper tributaries consent that any foreign flag shall float at the Balize or upon the turrets of the Crescent City—NEVER! NEVER! I call upon all the South. Sir, we have had hard words, bitter words, bitter thoughts, unpleasant feelings toward each other in the progress of this great measure. Let us forget them. Let us sacrifice these feelings. Let us go to the altar of our country and swear, as the oath was taken of old, that we will stand by her; that we will support her; that we will uphold her Constitution; that we will preserve her Union; and

that we will pass this great, comprehensive, and healing system of measures, which will hush all the jarring elements, and bring peace and tranquillity to our homes.

Let me, Mr. President, in conclusion, say that the most disastrous consequences would occur, in my opinion, were we to go home, doing nothing to satisfy and tranquillize the country upon these great questions. What will be the judgment of mankind, what the judgment of that portion of mankind who are looking upon the progress of this scheme of self-government as being that which holds the highest hopes and expectations of ameliorating the condition of mankind—what will their judgment be? Will not all the monarchs of the Old World pronounce our glorious Republic a disgraceful failure? What will be the judgment of our constituents, when we return to them and they ask us: "How have you left your country? Is all quiet—all happy? Are all the seeds of distraction or division crushed and dissipated?" And, sir, when you come into the bosom of your family, when you come to converse with the partner of your fortunes, of your happiness, and of your sorrows, and when in the midst of the common offspring of

both of you, she asks you: "Is there any danger of civil war? Is there any danger of the torch being applied to any portion of the country? Have you settled the questions which you have been so long discussing and deliberating upon at Washington? Is all peace and all quiet?" what response, Mr. President, can you make to that wife of your choice and those children with whom you have been blessed by God? Will you go home and leave all in disorder and confusion—all unsettled—all open? The contentions and agitations of the past will be increased and augmented by the agitations resulting from our neglect to decide them. Sir, we shall stand condemned by all human judgment below, and of that above it is not for me to speak. We shall stand condemned in our own consciences, by our own constituents, and by our own country. The measure may be defeated. I have been aware that its passage for many days was not absolutely certain. From the first to the last, I hoped and believed it would pass, because from the first to the last I believed it was founded on the principles of just and righteous concession of mutual conciliation. I believe that it deals unjustly by no part of the Republic; that it saves their honor,

and, as far as it is dependent upon Congress, saves the interests of all quarters of the country. But, sir, I have known that the decision of its fate depended upon four or five votes in the Senate of the United States, whose ultimate judgment we could not count upon the one side or the other with absolute certainty. Its fate is now committed to the Senate, and to those five or six votes to which I have referred. It may be defeated. It is possible that, for the chastisement of our sins and transgressions, the rod of Providence may be still applied to us, may be still suspended over us. But, if defeated, it will be a triumph of ultraism and impracticability—a triumph of a most extraordinary conjunction of extremes ; a victory won by abolitionism ; a victory achieved by freesoilism ; a victory of discord and agitation over peace and tranquillity ; and I pray to Almighty God that it may not, in consequence of the inauspicious result, lead to the most unhappy and disastrous consequences to our beloved country.

MR. BARNWELL :—It is not my intention to reply to the argument of the Senator from Kentucky, but there were expressions used by him not a little disrespectful to a friend whom I hold very dear. * * * It is true that his politi-

cal opinions differ very widely from those of the Senator from Kentucky. It may be true, that he, with many great statesmen, may believe that the Wilmot proviso is a grievance to be resisted "to the utmost extremity" by those whose rights it destroys and whose honor it degrades. It is true that he may believe * * * that the admission of California will be the passing of the Wilmot proviso, when we here in Congress give vitality to an act otherwise totally dead, and by our legislation exclude slaveholders from that whole broad territory on the Pacific; and, entertaining this opinion, he may have declared that the contingency will then have occurred which will, in the judgment of most of the slave-holding States, as expressed by their resolutions, justify resistance as to an intolerable aggression. If he does entertain and has expressed such sentiments, he is not to be held up as peculiarly a disunionist. Allow me to say, in reference to this matter, I regret that you have brought it about, but it is true that this epithet "disunionist" is likely soon to have very little terror in it in the South. Words do not make things. "Rebel" was designed as a very odious term when applied by those who would have trampled on the rights of our an-

cestors, but I believe that the expression became not an ungrateful one to the ears of those who resisted them. It was not the lowest term of abuse to call those who were conscious that they were struggling against oppression; and let me assure gentlemen that the term disunionist is rapidly assuming at the South the meaning which rebel took when it was baptized in the blood of Warren at Bunker Hill, and illustrated by the gallantry of Jasper at Fort Moultrie. * * *

MR. CLAY:—Mr. President, I said nothing with respect to the character of Mr. Rhett, for I might as well name him. I know him personally, and have some respect for him. But, if he pronounced the sentiment attributed to him —of raising the standard of disunion and of resistance to the common government, whatever he has been, if he follows up that declaration by corresponding overt acts, he will be a *traitor*, and I hope he will meet the fate of a traitor.

THE PRESIDENT:—The Chair will be under the necessity of ordering the gallery to be cleared if there is again the slightest interruption. He has once already given warning that he is under the necessity of keeping order. The Senate chamber is not a theatre.

MR. CLAY:—Mr. President, I have heard with pain and regret a confirmation of the remark I made, that the sentiment of disunion is becoming familiar. I hope it is confined to South Carolina. I do not regard as my duty what the honorable Senator seems to regard as his. If Kentucky to-morrow unfurls the banner of resistance unjustly, I never will fight under that banner. I owe a paramount allegiance to the whole Union—a subordinate one to my own State. When my State is right—when it has a cause for resistance—when tyranny, and wrong, and oppression insufferable arise, I will then share her fortunes; but if she summons me to the battle-field, or to support her in any cause which is unjust, against the Union, never, *never* will I engage with her in such cause.

WENDELL PHILLIPS,

OF MASSACHUSETTS.

(BORN 1811, DIED 1884.)

ON THE PHILOSOPHY OF THE ABOLITION MOVEMENT, BEFORE THE MASSACHUSETTS ANTI-SLAVERY SOCIETY, AT BOSTON, JANUARY 27, 1853.

Mr. CHAIRMAN:

I have to present, from the business committee, the following resolution:

Resolved; That the object of this society is now, as it has always been, to convince our countrymen, by arguments addressed to their hearts and consciences, that slave-holding is a heinous crime, and that the duty, safety, and interest of all concerned demand its immediate abolition without expatriation.

I wish, Mr. Chairman, to notice some objections that have been made to our course ever since Mr. Garrison began his career, and which have been lately urged again, with considerable force and emphasis, in the columns of the Lon-

don *Leader*, the able organ of a very respectable and influential class in England. * * * The charges to which I refer are these: That, in dealing with slave-holders and their apologists, we indulge in fierce denunciations, instead of appealing to their reason and common sense by plain statements and fair argument; that we might have won the sympathies and support of the nation, if we would have submitted to argue this question with a manly patience; but, instead of this, we have outraged the feelings of the community by attacks, unjust and unnecessarily severe, on its most valued institutions, and gratified our spleen by indiscriminate abuse of leading men, who were often honest in their intentions, however mistaken in their views; that we have utterly neglected the ample means that lay around us to convert the nation, submitted to no discipline, formed no plan, been guided by no foresight, but hurried on in childish, reckless, blind, and hot-headed zeal,—bigots in the narrowness of our views, and fanatics in our blind fury of invective and malignant judgment of other men's motives.

There are some who come upon our platform, and give us the aid of names and reputations less burdened than ours with popular odium,

who are perpetually urging us to exercise charity in our judgments of those about us, and to consent to argue these questions. These men are ever parading their wish to draw a line between themselves and us, because *they must be permitted* to wait,—to trust more to reason than feeling,—to indulge a generous charity,—to rely on the sure influence of simple truth, uttered in love, etc., etc. I reject with scorn all these implications that *our* judgments are uncharitable,—that *we* are lacking in patience,—that *we* have any other dependence than on the simple truth, spoken with Christian frankness, yet with Christian love. These lectures, to which you, sir, and all of us, have so often listened, would be impertinent, if they were not rather ridiculous for the gross ignorance they betray of the community, of the cause, and of the whole course of its friends.

The article in the *Leader* to which I refer is signed "ION," and may be found in the *Liberator* of December 17, 1852. * * * "Ion" quotes Mr Garrison's original declaration in the *Liberator :* "I am aware that many object to the severity of my language; but is there not cause for severity? I *will* be as harsh as truth and as uncompromising as justice. I am in

earnest,—I will not equivocate,—I will not excuse,—I will not retreat a single inch,—AND I WILL BE HEARD. It is *pretended* that I am retarding the cause of emancipation by the coarseness of my invective and the precipitancy of my measures. *The charge is not true.* On this question, my influence, humble as it is, is felt at this moment to a considerable extent, and shall be felt in coming years, not perniciously, but beneficially; not as a curse, but as a blessing; and posterity will bear testimony that I was right. I desire to thank God that He enables me to disregard 'the fear of man which bringeth a snare,' and to speak His truth in its simplicity and power." * * *

"Ion's" charges are the old ones, that we Abolitionists are hurting our own cause; that, instead of waiting for the community to come up to our views, and endeavoring to remove prejudice and enlighten ignorance by patient explanation and fair argument, we fall at once, like children, to abusing every thing and everybody; that we imagine zeal will supply the place of common sense; that we have never shown any sagacity in adapting our means to our ends; have never studied the national character, or attempted to make use of the

materials which lay all about us to influence public opinion, but by blind, childish, obstinate fury and indiscriminate denunciation, have become "honestly impotent, and conscientious hinderances."

I claim, before you who know the true state of the case, I claim for the antislavery movement with which this society is identified, that, looking back over its whole course, and considering the men connected with it in the mass, it has been marked by sound judgment, unerring foresight, the most sagacious adaptation of means to ends, the strictest self-discipline, the most thorough research, and an amount of patient and manly argument addressed to the conscience and intellect of the nation, such as no other cause of the kind, in England or this country, has ever offered. I claim, also, that its course has been marked by a cheerful surrender of all individual claims to merit or leadership,—the most cordial welcoming of the slightest effort, of every honest attempt, to lighten or to break the chain of the slave. I need not waste time by repeating the superfluous confession that we are men, and therefore do not claim to be perfect. Neither would I be understood as denying that we use denuncia-

tion, and ridicule, and every other weapon that the human mind knows. We must plead guilty, if there be guilt in not knowing how to separate the sin from the sinner. With all the fondness for abstractions attributed to us, we are not yet capable of that. We are fighting a momentous battle at desperate odds,—one against a thousand. Every weapon that ability or ignorance, wit, wealth, prejudice, or fashion can command, is pointed against us. The guns are shotted to their lips. The arrows are poisoned. Fighting against such an array, we cannot afford to confine ourselves to any one weapon. The cause is not ours, so that we might, rightfully, postpone or put in peril the victory by moderating our demands, stifling our convictions, or filing down our rebukes, to gratify any sickly taste of our own, or to spare the delicate nerves of our neighbor. Our clients are three millions of Christian slaves, standing dumb suppliants at the threshold of the Christian world. They have no voice but ours to utter their complaints, or to demand justice. The press, the pulpit, the wealth, the literature, the prejudices, the political arrangements, the present self-interest of the country, are all against us. God has given us no weapon but

the truth, faithfully uttered, and addressed, with the old prophets' directness, to the conscience of the individual sinner. The elements which control public opinion and mould the masses are against us. We can but pick off here and there a man from the triumphant majority. We have facts for those who think, arguments for those who reason; but he who cannot be reasoned out of his prejudices must be laughed out of them; he who cannot be argued out of his selfishness must be shamed out of it by the mirror of his hateful self held up relentlessly before his eyes. We live in a land where every man makes broad his phylactery, inscribing thereon, "All men are created equal,"—"God hath made of one blood all nations of men." It seems to us that in such a land there must be, on this question of slavery, sluggards to be awakened, as well as doubters to be convinced. Many more, we verily believe, of the first than of the last. There are far more dead hearts to be quickened, than confused intellects to be cleared up,—more dumb dogs to be made to speak, than doubting consciences to be enlightened. We have use, then, sometimes, for something beside argument.

What is the denunciation with which we are charged? It is endeavoring, in our faltering human speech, to declare the enormity of the sin of making merchandize of men,—of separating husband and wife,—taking the infant from its mother and selling the daughter to prostitution,—of a professedly Christian nation denying, by statute, the Bible to every sixth man and woman of its population, and making it illegal for "two or three" to meet together, except a white man be present! What is this harsh criticism of motives with which we are charged? It is simply holding the intelligent and deliberate actor responsible for the character and consequences of his acts. Is there any thing inherently wrong in such denunciation of such criticism? This we may claim,—we have never judged a man but out of his own mouth. We have seldom, if ever, held him to account, except for acts of which he and his own friends were proud. All that we ask the world and thoughtful men to note are the principles and deeds on which the American pulpit and American public men plume themselves. We always allow our opponents to paint their own pictures. Our humble duty is to stand by and assure the spectators that what they would

take for a knave or a hypocrite is really, in American estimation, a Doctor of Divinity or a Secretary of State.

The South is one great brothel, where half a million of women are flogged to prostitution, or, worse still, are degraded to believe it honorable. The public squares of half our great cities echo to the wail of families torn asunder at the auction-block; no one of our fair rivers that has not closed over the negro seeking in death a refuge from a life too wretched to bear; thousands of fugitives skulk along our highways, afraid to tell their names, and trembling at the sight of a human being; free men are kidnapped in our streets, to be plunged into that hell of slavery; and now and then one, as if by miracle, after long years returns to make men aghast with his tale. The press says, "It is all right"; and the pulpit cries, "Amen." They print the Bible in every tongue in which man utters his prayers; and they get the money to do so by agreeing never to give the book, in the language our mothers taught us, to any negro, free or bond, south of Mason and Dixon's line. The press says, "It is all right"; and the pulpit cries, "Amen." The slave lifts up his imploring eyes, and sees in

every face but ours the face of an enemy. Prove to me now that harsh rebuke, indignant denunciation, scathing sarcasm, and pitiless ridicule are wholly and always unjustifiable; else we dare not, in so desperate a case, throw away any weapon which ever broke up the crust of an ignorant prejudice, roused a slumbering conscience, shamed a proud sinner, or changed in any way the conduct of a human being. Our aim is to alter public opinion. Did we live in a market, our talk should be of dollars and cents, and we would seek to prove only that slavery was an unprofitable investment. Were the nation one great, pure church, we would sit down and reason of "righteousness, temperance, and judgment to come." Had slavery fortified itself in a college, we would load our cannons with cold facts, and wing our arrows with arguments. But we happen to live in the world,—the world made up of thought and impulse, of self-conceit and self-interest, of weak men and wicked. To conquer, we must reach all. Our object is not to make every man a Christian or a philosopher, but to induce every one to aid in the abolition of slavery. We expect to accomplish our object long before the nation is made over into saints or elevated into

philosophers. To change public opinion, we use the very tools by which it was formed. That is, all such as an honest man may touch.

All this I am not only ready to allow, but I should be ashamed to think of the slave, or to look into the face of my fellow-man, if it were otherwise. It is the only thing which justifies us to our own consciences, and makes us able to say we have done, or at least tried to do, our duty.

So far, however you distrust my philosophy, you will not doubt my statements. That we have denounced and rebuked with unsparing fidelity will not be denied. Have we not also addressed ourselves to that other duty, of arguing our question thoroughly?—of using due discretion and fair sagacity in endeavoring to promote our cause? Yes, we have. Every statement we have made has been doubted. Every principle we have laid down has been denied by overwhelming majorities against us. No one step has ever been gained but by the most laborious research and the most exhausting argument. And no question has ever, since Revolutionary days, been so thoroughly investigated or argued here, as that of slavery. Of that research and that argument, of the whole

of it, the old-fashioned, fanatical, crazy Garrisonian antislavery movement has been the author. From this band of men has proceeded every important argument or idea which has been broached on the antislavery question from 1830 to the present time. * * * I recognize, as fully as any one can, the ability of the new laborers. * * * I do not mean, either, to assert that they have in every instance borrowed from our treasury their facts and arguments. Left to themselves, they would probably have looked up the one and originated the other. As a matter of fact, however, they have generally made use of the materials collected to their hands. * * * When once brought fully into the struggle, they have found it necessary to adopt the same means, to rely on the same arguments, to hold up the same men and the same measures to public reprobation, with the same bold rebuke and unsparing invective that we have used. All their conciliatory bearing, their painstaking moderation, their constant and anxious endeavor to draw a broad line between their camp and ours, have been thrown away. Just so far as they have been effective laborers, they have found, as we have, their hands against every man, and every man's hand

against them. The most experienced of them are ready to acknowledge that our plan has been wise, our course efficient, and that our unpopularity is no fault of ours, but flows necessarily and unavoidably from our position. "I should suspect," says old Fuller, "that his preaching had no salt in it, if no galled horse did wince." Our friends find, after all, that men do not so much hate us as the truth we utter and the light we bring. They find that the community are not the honest seekers after truth which they fancied, but selfish politicians and sectarian bigots, who shiver, like Alexander's butler, whenever the sun shines on them. Experience has driven these new laborers back to our method. We have no quarrel with them —would not steal one wreath of their laurels. All we claim is, that, if they are to be complimented as prudent, moderate, Christian, sagacious, statesmanlike reformers, we deserve the same praise; for they have done nothing that we, in our measure, did not attempt before.

I claim this, that the cause, in its recent aspect, has put on nothing but timidity. It has taken to itself no new weapons of recent years; it has become more compromising,—that is all! It has become neither more persuasive, more

learned, more Christian, more charitable, nor more effective than for the twenty years preceding. Mr. Hale, the head of the Free Soil movement, after a career in the Senate that would do honor to any man,—after a six years' course which entitles him to the respect and confidence of the antislavery public,—can put his name, within the last month, to an appeal from the city of Washington, signed by a Houston and a Cass, for a monument to be raised to Henry Clay! If that be the test of charity and courtesy, we cannot give it to the world. Some of the leaders of the Free Soil party of Massachusetts, after exhausting the whole capacity of our language to paint the treachery of Daniel Webster to the cause of liberty, and the evil they thought he was able and seeking to do,—after that, could feel it in their hearts to parade themselves in the funeral procession got up to do him honor! In this we allow we cannot follow them. The deference which every gentleman owes to the proprieties of social life, that self-respect and regard to consistency which is every man's duty,—these, if no deeper feelings, will ever prevent us from giving such proofs of this newly invented Christian courtesy. We do not play politics,

antislavery is no half-jest with us; it is a terrible earnest, with life or death, worse than life or death, on the issue. It is no lawsuit, where it matters not to the good feeling of opposing counsel which way the verdict goes, and where advocates can shake hands after the decision as pleasantly as before. When we think of such a man as Henry Clay, his long life, his mighty influence cast always into the scale against the slave, of that irresistible fascination with which he moulded every one to his will; when we remember that, his conscience acknowledging the justice of our cause, and his heart open on every other side to the gentlest impulses, he could sacrifice so remorselessly his convictions and the welfare of millions to his low ambition; when we think how the slave trembled at the sound of his voice, and that, from a multitude of breaking hearts there went up nothing but gratitude to God when it pleased him to call that great sinner from this world, we cannot find it in our hearts, we could not shape our lips to ask any man to do him honor. No amount of eloquence, no sheen of official position, no loud grief of partisan friends, would ever lead us to ask monuments or walk in fine processions for pirates; and the sectarian zeal or selfish ambi-

tion which gives up, deliberately and in full knowledge of the facts, three million of human beings to hopeless ignorance, daily robbery, systematic prostitution, and murder, which the law is neither able nor undertakes to prevent or avenge, is more monstrous, in our eyes, than the love of gold which takes a score of lives with merciful quickness on the high seas. Haynau on the Danube is no more hateful to us than Haynau on the Potomac. Why give mobs to one and monuments to the other.

If these things be necessary to courtesy, I cannot claim that we are courteous. We seek only to be honest men, and speak the same of the dead as of the living. If the grave that hides their bodies could swallow also the evil they have done and the example they leave, we might enjoy at least the luxury of forgetting them. But the evil that men do lives after them, and example acquires tenfold authority when it speaks from the grave. History, also, is to be written. How shall a feeble minority, without weight or influence in the country, with no jury of millions to appeal to, —denounced, vilified, and contemned,—how shall we make way against the overwhelming weight of some colossal reputation, if we do

not turn from the idolatrous present, and appeal to the human race? saying to your idols of to-day: "Here we are defeated; but we will write our judgment with the iron pen of a century to come, and it shall never be forgotten, if we can help it, that you were false in your generation to the claims of the slave!" * * *

We are weak here,—out-talked, out-voted. You load our names with infamy, and shout us down. But our words bide their time. We warn the living that we have terrible memories, and their sins are never to be forgotten. We will gibbet the name of every apostate so black and high that his children's children shall blush to bear it. Yet we bear no malice,—cherish no resentment. We thank God that the love of fame, "that last infirmity of noble minds," is shared by the ignoble. In our necessity, we seize this weapon in the slave's behalf, and teach caution to the living by meting out relentless justice to the dead. * * * These, Mr. Chairman, are the reasons why we take care that "the memory of the wicked shall rot."

I have claimed that the antislavery cause has, from the first, been able and dispassionately argued, every objection candidly examined,

and every difficulty or doubt anywhere honestly entertained treated with respect. Let me glance at the literature of the cause, and try not so much, in a brief hour, to prove this assertion, as to point out the sources from which any one may satisfy himself of its truth.

I will begin with certainly the ablest and perhaps the most honest statesman who has ever touched the slave question. Any one who will examine John Quincy Adams' speech on Texas, in 1838, will see that he was only seconding the full and able exposure of the Texas plot, prepared by Benjamin Lundy, to one of whose pamphlets Dr. Channing, in his "Letter to Henry Clay," has confessed his obligation. Every one acquainted with those years will allow that the North owes its earliest knowledge and first awakening on that subject to Mr. Lundy, who made long journeys and devoted years to the investigation. His labors have this attestation, that they quickened the zeal and strengthened the hands of such men as Adams and Channing. I have been told that Mr. Lundy prepared a brief for Mr. Adams, and furnished him the materials for his speech on Texas.

Look next at the right of petition. Long

before any member of Congress had opened his mouth in its defence, the Abolition presses and lecturers had examined and defended the limits of this right with profound historical research and eminent constitutional ability. So thoroughly had the work been done, that all classes of the people had made up their minds about it long before any speaker of eminence had touched it in Congress. The politicians were little aware of this. When Mr. Adams threw himself so gallantly into the breach, it is said he wrote anxiously home to know whether he would be supported in Massachusetts, little aware of the outburst of popular gratitude which the northern breeze was even then bringing him, deep and cordial enough to wipe away the old grudge Massachusetts had borne him so long. Mr. Adams himself was only in favor of receiving the petitions, and advised to refuse their prayer, which was the abolition of slavery in the District of Columbia. He doubted the power of Congress to abolish. His doubts were examined by Mr. William Goodell, in two letters of most acute logic, and of masterly ability. If Mr. Adams still retained his doubts, it is certain at least that he never expressed them afterward. When Mr. Clay paraded the

same objections, the whole question of the power of Congress over the District was treated by Theodore D. Weld in the fullest manner, and with the widest research,—indeed, leaving nothing to be added: an argument which Dr. Channing characterized as "demonstration," and pronounced the essay "one of the ablest pamphlets from the American press." No answer was ever attempted. The best proof of its ability is that no one since has presumed to doubt the power. Lawyers and statesmen have tacitly settled down into its full acknowledgment.

The influence of the Colonization Society on the welfare of the colored race was the first question our movement encountered. To the close logic, eloquent appeals, and fully sustained charges of Mr. Garrison's letters on that subject no answer was ever made. Judge Jay followed with a work full and able, establishing every charge by the most patient investigation of facts. It is not too much to say of these two volumes, that they left the Colonization Society hopeless at the North. It dares never show its face before the people, and only lingers in some few nooks of sectarian pride, so secluded from the influence of present ideas as to be almost fossil in their character.

The practical working of the slave system, the slave laws, the treatment of slaves, their food, the duration of their lives, their ignorance and moral condition, and the influence of Southern public opinion on their fate, have been spread out in a detail and with a fulness of evidence which no subject has ever received before in this country. Witness the words of Phelps, Bourne, Rankin, Grimke, the "Anti-slavery Record," and, above all, that encyclopædia of facts and storehouse of arguments, the "Thousand Witnesses" of Mr. Theodore D. Weld. He also prepared that full and valuable tract for the World's Convention called "Slavery and the Internal Slave-Trade in the United States," published in London in 1841. Unique in antislavery literature is Mrs. Child's "Appeal," one of the ablest of our weapons, and one of the finest efforts of her rare genius.

The *Princeton Review*, I believe, first challenged the Abolitionists to an investigation of the teachings of the Bible on slavery. That field had been somewhat broken by our English predecessors. But in England the pro-slavery party had been soon shamed out of the attempt to drag the Bible into their service, and hence the discussion there had been short and some-

what superficial. The pro-slavery side of the question has been eagerly sustained by theological reviews and doctors of divinity without number, from the half-way and timid faltering of Wayland up to the unblushing and melancholy recklessness of Stuart. The argument on the other side has come wholly from the Abolitionists; for neither Dr. Hague nor Dr. Barnes can be said to have added any thing to the wide research, critical acumen, and comprehensive views of Theodore D. Weld, Beriah Green, J. G. Fee, and the old work of Duncan.

On the constitutional questions which have at various times arisen,—the citizenship of the colored man, the soundness of the "Prigg" decision, the constitutionality of the old Fugitive Slave Law, the true construction of the slave-surrender clause,—nothing has been added, either in the way of fact or argument, to the works of Jay, Weld, Alvan Stewart, E. G. Loring, S. E. Sewall, Richard Hildreth, W. I. Bowditch, the masterly essays of the *Emancipator* at New York and the *Liberator* at Boston, and the various addresses of the Massachusetts and American Societies for the last twenty years. The idea of the antislavery character of the Constitution,—the opiate with which Free Soil

quiets its conscience for voting under a pro-slavery government,—I heard first suggested by Mr. Garrison in 1838. It was elaborately argued that year in all our antislavery gatherings, both here and in New York, and sustained with great ability by Alvan Stewart, and in part by T. D. Weld. The antislavery construction of the Constitution was ably argued in 1836, in the *Antislavery Magazine*, by Rev. Samuel J. May, one of the very first to seek the side of Mr. Garrison, and pledge to the slave his life and efforts,—a pledge which thirty years of devoted labors have redeemed. If it has either merit or truth, they are due to no legal learning recently added to our ranks, but to some of the old and well-known pioneers. This claim has since received the fullest investigation from Mr. Lysander Spooner, who has urged it with all his unrivalled ingenuity, laborious research, and close logic. He writes as a lawyer, and has no wish, I believe, to be ranked with any class of antislavery men.

The influence of slavery on our Government has received the profoundest philosophical investigation from the pen of Richard Hildreth, in his invaluable essay on "Despotism in America,"—a work which deserves a place by

the side of the ablest political disquisitions of any age.

Even the vigorous mind of Rantoul, the ablest man, without doubt, of the Democratic party, and perhaps the ripest politician in New England, added little or nothing to the storehouse of antislavery argument. * * * His speeches on our question, too short and too few, are remarkable for their compact statement, iron logic, bold denunciation, and the wonderful light thrown back upon our history. Yet how little do they present which was not familiar for years in our antislavery meetings! Look, too, at the last great effort of the idol of so many thousands,—Mr. Senator Sumner,—the discussion of a great national question, of which it has been said that we must go back to Webster's reply to Hayne, and Fisher Ames on the Jay treaty, to find its equal in Congress,—praise which we might perhaps qualify, if any adequate report were left us of some of the noble orations of Adams. No one can be blind to the skilful use he has made of his materials, the consummate ability with which he has marshalled them, and the radiant glow which his genius has thrown over all. Yet, with the exception of his reference to the antislavery de-

bate in Congress in 1817, there is hardly a train of thought or argument, and no single fact in the whole speech, which has not been familiar in our meetings and essays for the last ten years. * * *

The relations of the American Church to slavery, and the duties of private Christians, the whole casuistry of this portion of the question, so momentous among descendants of the Puritans,—have been discussed with great acuteness and rare common-sense by Messrs. Garrison, Goodell, Gerrit Smith, Pillsbury, and Foster. They have never attempted to judge the American Church by any standard except that which she has herself laid down,—never claimed that she should be perfect, but have contented themselves by demanding that she should be consistent. They have never judged her except out of her own mouth, and on facts asserted by her own presses and leaders. * * * In nothing have the Abolitionists shown more sagacity or more thorough knowledge of their countrymen than in the course they have pursued in relation to the Church. None but a New-Englander can appreciate the power which church organizations wield over all who share the blood of the Puritans. The influence

of each sect over its own members is overwhelming, often shutting out, or controlling, all other influences. We have Popes here, all the more dangerous because no triple crown puts you on your guard. * * * In such a land, the Abolitionists early saw, that, for a moral question like theirs, only two paths lay open: to work through the Church; that failing, to join battle with it. Some tried long, like Luther, to be Protestants, and yet not come out of Catholicism; but their eyes were soon opened. Since then we have been convinced that, to come out from the Church, to hold her up as the bulwark of slavery, and to make her shortcomings the main burden of our appeals to the religious sentiment of the community, was our first duty and best policy. This course alienated many friends, and was a subject of frequent rebuke from such men as Dr. Channing. But nothing has ever more strengthened the cause, or won it more influence; and it has had the healthiest effect on the Church itself.

Unable to command a wide circulation for our books and journals, we have been obliged to bring ourselves into close contact with the people, and to rely mainly on public addresses.

These have been our most efficient instrumentality. For proof that these addresses have been full of pertinent facts, sound sense, and able arguments, we must necessarily point to results, and demand to be tried by our fruits. Within these last twenty years it has been very rare that any fact stated by your lecturers has been disproved, or any statement of theirs successfully impeached. And for evidence of the soundness, simplicity, and pertinency of their arguments we can only claim that our converts and co-laborers throughout the land have at least the reputation of being specially able "to give a reason for the faith that is in them."

I remember that when, in 1845, the present leaders of the Free Soil party, with Daniel Webster in their company, met to draw up the Anti-Texas Address of the Massachusetts Convention, they sent to Abolitionists for anti-slavery facts and history, for the remarkable testimonies of our Revolutionary great men which they wished to quote. When, many years ago, the Legislature of Massachusetts wished to send to Congress a resolution affirming the duty of immediate emancipation, the committee sent to William Lloyd Garrison to draw it up, and it stands now on our statute-book as he drafted it.

How vigilantly, how patiently, did we watch the Texas plot from its commencement! The politic South felt that its first move had been too bold, and thenceforward worked underground. For many a year men laughed at us for entertaining any apprehensions. It was impossible to rouse the North to its peril. David Lee Child was thought crazy because he would not believe there was no danger. His elaborate "Letters on Texan Annexation" are the ablest and most valuable contribution that has been made toward a history of the whole plot. Though we foresaw and proclaimed our conviction that annexation would be, in the end, a fatal step for the South, we did not feel at liberty to relax our opposition, well knowing the vast increase of strength it would give, at first, to the slave power. I remember being one of a committee which waited on Abbott Lawrence, a year or so only before annexation, to ask his countenance to some general movement, without distinction of party, against the Texas scheme. He smiled at our fears, begged us to have no apprehensions; stating that his correspondence with leading men at Washington enabled him to assure us annexation was impossible, and that the South

itself was determined to defeat the project. A short time after, Senators and Representatives from Texas took their seats in Congress!

Many of these services to the slave were done before I joined his cause. In thus referring to them, do not suppose me merely seeking occasion of eulogy on my predecessors and present co-laborers. I recall these things only to rebut the contemptuous criticism which some about us make the excuse for their past neglect of the movement, and in answer to "Ion's" representation of our course as reckless fanaticism, childish impatience, utter lack of good sense, and of our meetings as scenes only of excitement, of reckless and indiscriminate denunciation. I assert that every social, moral, economical, religious, political, and historical aspect of the question has been ably and patiently examined. And all this has been done with an industry and ability which have left little for the professional skill, scholarly culture, and historical learning of the new laborers to accomplish. If the people are still in doubt, it is from the inherent difficulty of the subject, or a hatred of light, not from want of it. * * *

Sir, when a nation sets itself to do evil, and all its leading forces, wealth, party, and piety,

join in the career, it is impossible but that those who offer a constant opposition should be hated and maligned, no matter how wise, cautious, and well planned their course may be. We are peculiar sufferers in this way. The community has come to hate its reproving Nathan so bitterly, that even those whom the relenting part of it are beginning to regard as standard-bearers of the antislavery host think it unwise to avow any connection or sympathy with him. I refer to some of the leaders of the political movement against slavery. They feel it to be their mission to marshal and use as effectively as possible the present convictions of the people. They cannot afford to encumber themselves with the odium which twenty years of angry agitation have engendered in great sects sore from unsparing rebuke, parties galled by constant defeat, and leading men provoked by unexpected exposure. They are willing to confess, privately, that our movement produced theirs, and that its continued existence is the very breath of their life. But, at the same time, they would fain walk on the road without being soiled by too close contact with the rough pioneers who threw it up. They are wise and honorable, and their silence is very expressive.

When I speak of their eminent position and acknowledged ability, another thought strikes me. Who converted these men and their distinguished associates? It is said we have shown neither sagacity in plans, nor candor in discussion, nor ability. Who, then, or what converted Burlingame and Wilson, Sumner and Adams, Palfrey and Mann, Chase and Hale, and Phillips and Giddings? Who taught the *Christian Register*, the *Daily Advertiser*, and that class of prints, that there were such things as a slave and a slave-holder in the land, and so gave them some more intelligent basis than their mere instincts to hate William Lloyd Garrison? What magic wand was it whose touch made the toadying servility of the land start up the real demon that it was, and at the same time gathered into the slave's service the professional ability, ripe culture, and personal integrity which grace the Free Soil ranks? We never argue! These men, then, were converted by simple denunciation! They were all converted by the "hot," "reckless," "ranting," "bigoted," "fanatic" Garrison, who never troubled himself about facts, nor stopped to argue with an opponent, but straightway knocked him down! My old and valued friend, Mr. Sumner, often

boasts that he was a reader of the *Liberator* before I was. Do not criticise too much the agency by which such men were converted. That blade has a double edge. Our reckless course, our empty rant, our fanaticism, has made Abolitionists of some of the best and ablest men in the land. We are inclined to go on, and see if, even with such poor tools, we cannot make some more. Antislavery zeal and the roused conscience of the "godless come-outers" made the trembling South demand the Fugitive Slave Law, and the Fugitive Slave Law "provoked" Mrs. Stowe to the good work of "Uncle Tom." That is something! Let me say, in passing, that you will nowhere find an earlier or more generous appreciation, or more flowing eulogy, of these men and their labors, than in the columns of the *Liberator*. No one, however feeble, has ever peeped or muttered, in any quarter, that the vigilant eye of the Pioneer has not recognized him. He has stretched out the right hand of a most cordial welcome the moment any man's face was turned Zionward.

I do not mention these things to praise Mr. Garrison; I do not stand here for that purpose. You will not deny—if you do, I can prove it—

that the movement of the Abolitionists converted these men. Their constituents were converted by it. The assault upon the right of petition, upon the right to print and speak of slavery, the denial of the right of Congress over the District, the annexation of Texas, the Fugitive Slave Law, were measures which the antislavery movement provoked, and the discussion of which has made all the Abolitionists we have. The antislavery cause, then, converted these men; it gave them a constituency; it gave them an opportunity to speak, and it gave them a public to listen. The antislavery cause gave them their votes, got them their offices, furnished them their facts, gave them their audience. If you tell me they cherished all these principles in their own breasts before Mr. Garrison appeared, I can only say, if the antislavery movement did not give them their ideas, it surely gave the courage to utter them.

In such circumstances, is it not singular that the name of William Lloyd Garrison has never been pronounced on the floor of the United States Congress linked with any epithet but that of contempt! No one of those men who owe their ideas, their station, their audience, to him, have ever thought it worth their while to

utter one word in grateful recognition of the power which called them into being. When obliged, by the course of their argument, to treat the question historically, they can go across the water to Clarkson and Wilberforce —yes, to a safe salt-water distance. As Daniel Webster, when he was talking to the farmers of Western New York, and wished to contrast slave labor and free labor, did not dare to compare New York with Virginia—sister States, under the same government, planted by the same race, worshipping at the same altar, speaking the same language—identical in all respects, save that one in which he wished to seek the contrast; but no; he compared it with Cuba—the contrast was so close! Catholic—Protestant; Spanish—Saxon; despotism—municipal institutions; readers of Lope de Vega and of Shakespeare; mutterers of the Mass—children of the Bible! But Virginia is too near home! So is Garrison! One would have thought there was something in the human breast which would sometimes break through policy. These noble-hearted men whom I have named must surely have found quite irksome the constant practice of what Dr. Gardiner used to call "that despicable virtue, prudence." One would have

thought, when they heard that name spoken with contempt, their ready eloquence would have leaped from its scabbard to avenge even a word that threatened him with insult. But it never came—never! I do not say I blame them. Perhaps they thought they should serve the cause better by drawing a broad black line between themselves and him. Perhaps they thought the Devil could be cheated: I do not. * * *

Caution is not always good policy in a cause like ours. It is said that, when Napoleon saw the day going against him, he used to throw away all the rules of war, and trust himself to the hot impetuosity of his soldiers. The masses are governed more by impulse than conviction; and even were it not so, the convictions of most men are on our side, and this will surely appear, if we can only pierce the crust of their prejudice or indifference. I observe that our Free Soil friends never stir their audience so deeply as when some individual leaps beyond the platform, and strikes upon the very heart of the people. Men listen to discussions of laws and tactics with ominous patience. It is when Mr. Sumner, in Faneuil Hall, avows his determination to disobey the Fugitive Slave Law, and

cries out: "I was a man before I was a Commissioner,"—when Mr. Giddings says of the fall of slavery, quoting Adams: "Let it come; if it must come in *blood*, yet I say let it come!" —that their associates on the platform are sure they are wrecking the party,—while many a heart beneath beats its first pulse of anti-slavery life.

These are brave words. When I compare them with the general tone of Free Soil men in Congress, I distrust the atmosphere of Washington and of politics. These men move about, Sauls and Goliaths among us, taller by many a cubit. There they lose port and stature. Mr. Sumner's speech in the Senate unsays no part of his Faneuil Hall pledge. But, though discussing the same topic, no one would gather from any word or argument that the speaker ever took such ground as he did in Faneuil Hall. It is all through, the *law*, the *manner* of the surrender, not the surrender itself, of the slave, that he objects to. As my friend Mr. Pillsbury so forcibly says, so far as any thing in the speech shows, he puts the slave behind the jury trial, behind the *habeas corpus* act, and behind the new interpretation of the Constitution, and says to the slave claimant: "You must get

through all these before you reach him; but, if you *can* get through all these, you may have him!" It was no tone like this which made the old Hall rock! Not if he got through twelve jury trials, and forty *habeas corpus* acts, and constitutions built high as yonder monument, would he permit so much as the shadow of a little finger of the slave claimant to touch the slave! At least so he was understood. * * * Mr. Mann, in his speech of February 15, 1850, says: "*The States being separated*, I would as soon return my own brother or sister into bondage, as I would return a fugitive slave. Before God, and Christ, and all Christian men, they are my brothers and sisters." What a condition! From the lips, too, of a champion of the Higher Law! Whether the States be separate or united, neither my brother nor any other man's brother shall, with my consent, go back to bondage! So speaks the *heart* —Mr. Mann's version is that of the politician. * * *

This seems to me a very mistaken strain. Whenever slavery is banished from our national jurisdiction, it will be a momentous gain, a vast stride. But let us not mistake the halfway house for the end of the journey. I need

not say that it matters not to Abolitionists under what special law slavery exists. Their battle lasts while it exists anywhere, and I doubt not Mr. Sumner and Mr. Giddings feel themselves enlisted for the whole war. I will even suppose, what neither of these gentlemen states, that their plan includes not only that slavery shall be abolished in the District and Territories, but that the slave basis of representation shall be struck from the Constitution, and the slave-surrender clause construed away. But even then does Mr. Giddings or Mr. Sumner really believe that slavery, existing in its full force in the States, "will cease to vex our national politics"? Can they point to any State where a powerful oligarchy, possessed of immense wealth, has ever existed without attempting to meddle in the government? Even now, does not manufacturing, banking, and commercial capital perpetually vex our politics? Why should not slave capital exert the same influence? Do they imagine that a hundred thousand men, possessed of two thousand millions of dollars, which they feel the spirit of the age is seeking to tear from their grasp, will not eagerly catch at all the support they can obtain by getting the control of the government? In

a land where the dollar is almighty, "where the sin of not being rich is only atoned for by the effort to become so," do they doubt that such an oligarchy will generally succeed? Besides, banking and manufacturing stocks are not urged by despair to seek a controlling influence in politics. They know they are about equally safe, whichever party rules—that no party wishes to legislate their rights away. Slave property knows that its being allowed to exist depends on its having the virtual control of the government. Its constant presence in politics is dictated, therefore, by despair, as well as by the wish to secure fresh privileges. Money, however, is not the only strength of the slave power. That, indeed, were enough, in an age when capitalists are our feudal barons. But, though driven entirely from national shelter, the slave-holders would have the strength of old associations, and of peculiar laws in their own States, which gives those States wholly into their hands. A weaker prestige, fewer privileges, and less comparative wealth, have enabled the British aristocracy to rule England for two centuries, though the root of their strength was cut at Naseby. It takes ages for deeply-rooted institutions to die; and driving slavery

into the States will hardly be our Naseby. * * *

And Mr. Sumner "knows no better aim, under the Constitution, than to bring back the government" to where it was in 1789! Has the voyage been so very honest and prosperous a one, in his opinion, that his only wish is to start again with the same ship, the same crew, and the same sailing orders? Grant all he claims as to the state of public opinion, the intentions of leading men, and the form of our institutions at that period; still, with all these checks on wicked men, and helps to good ones, here we are, in 1853, according to his own showing, ruled by slavery, tainted to the core with slavery, and binding the infamous Fugitive Slave Law like an honorable frontlet on our brows. The more acccurate and truthful his glowing picture of the public virtue of 1789, the stronger my argument. If even all those great patriots, and all that enthusiasm for justice and liberty, did not avail to keep us safe in such a Union, what will? In such desperate circumstances, can his statesmanship devise no better aim than to try the same experiment over again, under precisely the same conditions? What new guaranties does he propose to prevent the voyage from being again turned

into a piratical slave-trading cruise? None! Have sixty years taught us nothing? In 1660, the English thought, in recalling Charles II., that the memory of that scaffold which had once darkened the windows of Whitehall would be guaranty enough for his good behavior. But, spite of the spectre, Charles II. repeated Charles I., and James outdid him. Wiser by this experience, when the nation in 1689 got another chance, they trusted to no guaranties, but so arranged the very elements of their government that William III. could not repeat Charles I. Let us profit by the lesson. * * *

If all I have said to you is untrue, if I have exaggerated, explain to me this fact. In 1831, Mr. Garrison commenced a paper advocating the doctrine of immediate emancipation. He had against him the thirty thousand churches and all the clergy of the country,—its wealth, its commerce, its press. In 1831, what was the state of things? There was the most entire ignorance and apathy on the slave question. If men knew of the existence of slavery, it was only as a part of picturesque Virginia life. No one preached, no one talked, no one wrote about it. No whisper of it stirred the surface of the political sea. The Church heard of it

occasionally, when some colonization agent asked funds to send the blacks to Africa. Old school-books tainted with some antislavery selections had passed out of use, and new ones were compiled to suit the times. Soon as any dissent from the prevailing faith appeared, every one set himself to crush it. The pulpits preached at it; the press denounced it; mobs tore down houses, threw presses into the fire and the stream, and shot the editors; religious conventions tried to smother it; parties arrayed themselves against it. Daniel Webster boasted in the Senate, that he had never introduced the subject of slavery to that body, and never would. Mr. Clay, in 1839, makes a speech for the Presidency, in which he says, that to discuss the subject of slavery is moral treason, and that no man has a right to introduce the subject into Congress. Mr. Benton, in 1844, laid down his platform, and he not only denies the right, but asserts that he never has and never will discuss the subject. Yet Mr. Clay, from 1839 down to his death, hardly made a remarkable speech of any kind, except on slavery. Mr. Webster, having indulged now and then in a little easy rhetoric, as at Niblo's and elsewhere, opens his mouth in 1840, generously contributing his aid

to both sides, and stops talking about it only when death closes his lips. Mr. Benton's six or eight speeches in the Unired States Senate have all been on the subject of slavery in the Southwestern section of the country, and form the basis of whatever claim he has to the character of a statesman, and he owes his seat in the next Congress somewhat, perhaps, to anti-slavery pretensions! The Whig and Democratic parties pledged themselves just as emphatically against the antislavery discussion, —against agitation and free speech. These men said: "It sha'n't be talked about; it won't be talked about!" These are *your statesmen!*—men who understand the present that is, and mould the future! The man who understands his own time, and whose genius moulds the future to his views, he is a statesman, is he not? These men devoted themselves to banks, to the tariff, to internal improvements, to constitutional and financial questions. They said to slavery: "Back! no entrance here! We pledge ourselves against you." And then there came up a little printer-boy, who whipped them into the traces, and made them talk, like Hotspur's starling, nothing BUT slavery. He scattered all these gigantic

shadows,—tariff, bank, constitutional questions, financial questions; and slavery, like the colossal head in Walpole's romance, came up and filled the whole political horizon! Yet you must remember he is not a statesman; he is a "fanatic." He has no discipline,—Mr. "Ion" says so; he does not understand the "discipline that is essential to victory"! This man did not understand his own time, he did not know what the future was to be,—he was not able to shape it—he had no "prudence,"—he had no "foresight"! Daniel Webster says, "I have never introduced this subject, and never will,"—and dies broken-hearted because he had not been able to talk enough about it! Benton says, "I will never speak of slavery,"—and lives to break with his party on this issue! Clay says it is "moral treason" to introduce the subject into Congress—and lives to see Congress turned into an antislavery debating society, to suit the purpose of one "too powerful individual." * * * Remember who it was that said in 1831: "I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch—*and I will be heard!*" That speaker has lived twenty-two years, and the complaint of twenty-three mil-

lions of people is, "Shall we never hear of any thing but slavery?" * * * Well, it is all HIS fault [pointing to Mr. Garrison]. * * * It seems to me that such men may point to the present aspect of the nation, to their originally avowed purpose, to the pledges and efforts of all your great men against them, and then let you determine to which side the credit of sagacity and statesmanship belongs. * * *

It may sound strange to some, this claim for Mr. Garrison of a profound statesmanship. Men have heard him styled a mere fanatic so long that they are incompetent to judge him fairly. "The phrases men are accustomed" says Goethe, "to repeat incessantly end by becoming convictions, and ossify the organs of intelligence." I cannot accept you, therefore, as my jury. I appeal from Festus to Cæsar, from the prejudice of our streets to the common-sense of the world, and to your children.

Every thoughtful and unprejudiced mind must see that such an evil as slavery will yield only to the most radical treatment. If you consider the work we have to do, you will not think us needlessly aggressive, or that we dig down unnecessarily deep in laying the foundations of our enterprise. A money power

of two thousand millions of dollars, as the prices of slaves now range, held by a small body of able and desperate men; that body raised into a political aristocracy by special constitutional provisions; cotton, the product of slave labor, forming the basis of our whole foreign commerce, and the commercial class thus subsidized; the press bought up, the pulpit reduced to vassalage, the heart of the common people chilled by a bitter prejudice against the black race; our leading men bribed, by ambition, either to silence or open hostility;— in such a land, on what shall an Abolitionist rely? On a few cold prayers, mere lip-service, and never from the heart? On a church resolution, hidden often in its records, and meant only as a decent cover for servility in daily practice? On political parties, with their superficial influence at best, and seeking ordinarily only to use existing prejudices to the best advantage? Slavery has deeper root here than any aristocratic institution has in Europe; and politics is but the common pulse-beat, of which revolution is the fever-spasm. Yet we have seen European aristocracy survive storms which seemed to reach down to the primal strata of European life. Shall we, then, trust to mere

politics, where even revolution has failed? How shall the stream rise above its fountain? Where shall our church organizations or parties get strength to attack their great parent and moulder, the slave power? Shall the thing formed say to him that formed it, Why hast thou made me thus? The old jest of one who tried to lift himself in his own basket, is but a tame picture of the man who imagines that, by working solely through existing sects and parties, he can destroy slavery. Mechanics say nothing but an earthquake strong enough to move all Egypt can bring down the pyramids.

Experience has confirmed these views. The Abolitionists who have acted on them have a "short method" with all unbelievers. They have but to point to their own success, in contrast with every other man's failure. To waken the nation to its real state, and chain it to the consideration of this one duty, is half the work. So much we have done. Slavery has been made the question of this generation. To startle the South to madness, so that every step she takes, in her blindness, is one step more toward ruin, is much.. This we have done. Witness Texas and the Fugitive Slave Law. To have elaborated for the nation the

only plan of redemption, pointed out the only exodus from this "sea of troubles," is much. This we claim to have done in our motto of IMMEDIATE, UNCONDITIONAL EMANCIPATION ON THE SOIL. The closer any statesmanlike mind looks into the question, the more favor our plan finds with it. The Christian asks fairly of the infidel, "If this religion be not from God, how do you explain its triumph, and the history of the first three centuries?" Our question is similar. If our agitation has not been wisely planned and conducted, explain for us the history of the last twenty years! Experience is a safe light to walk by, and he is not a rash man who expects success in future from the same means which have secured it in times past.

SALMON PORTLAND CHASE,

OF OHIO.

(BORN 1808, DIED 1873.)

ON THE KANSAS-NEBRASKA BILL; SENATE, FEBRUARY 3, 1854.

THE bill for the organization of the Territories of Nebraska and Kansas being under consideration—

Mr. CHASE submitted the following amendment:

Strike out from section 14 the words "was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and"; so that the clause will read:

"That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which is hereby declared inoperative."

Mr. CHASE said:

Mr. President, I had occasion, a few days ago to expose the utter groundlessness of the personal charges made by the Senator from Illinois (Mr. Douglas) against myself and the other signers of the Independent Democratic Appeal. I now move to strike from this bill a statement which I will to-day demonstrate to be without any foundation in fact or history. I intend afterward to move to strike out the whole clause annulling the Missouri prohibition.

I enter into this debate, Mr. President, in no spirit of personal unkindness. The issue is too grave and too momentous for the indulgence of such feelings. I see the great question before me, and that question only.

Sir, these crowded galleries, these thronged lobbies, this full attendance of the Senate, prove the deep, transcendent interest of the theme.

A few days only have elapsed since the Congress of the United States assembled in this Capitol. Then no agitation seemed to disturb the political elements. Two of the great political parties of the country, in their national conventions, had announced that slavery agitation was at an end, and that henceforth that subject was not to be discussed in Congress or out of Congress. The President, in his annual mes-

sage, had referred to this state of opinion, and had declared his fixed purpose to maintain, as far as any responsibility attached to him, the quiet of the country. Let me read a brief extract from that message:

"It is no part of my purpose to give prominence to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise, and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfil the object of a wise design. When the grave shall have closed over all those who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension. A successful war had just terminated. Peace brought with it a vast augmentation of territory. Disturbing questions arose, bearing upon the domestic institutions of one portion of the Confederacy, and involving the constitutional rights of the States. But, notwitstanding differences of opinion and sentiment, which then existed in relation to details and specific pro-

visions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, had given renewed vigor to our institutions, and restored a sense of repose and security to the public mind throughout the Confederacy. That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be assured."

The agreement of the two old political parties, thus referred to by the Chief Magistrate of the country, was complete, and a large majority of the American people seemed to acquiesce in the legislation of which he spoke.

A few of us, indeed, doubted the accuracy of these statements, and the permanency of this repose. We never believed that the acts of 1850 would prove to be a permanent adjustment of the slavery question. We believed no permanent adjustment of that question possible except by a return to that original policy of the fathers of the Republic, by which slavery was restricted within State limits, and freedom, without exception or limitation, was intended to be secured to every person outside of State limits and under the exclusive jurisdiction of the General Government.

But, sir, we only represented a small, though vigorous and growing, party in the country. Our number was small in Congress. By some we were regarded as visionaries—by some as factionists; while almost all agreed in pronouncing us mistaken.

And so, sir, the country was at peace. As the eye swept the entire circumference of the horizon and upward to mid-heaven not a cloud appeared; to common observation there was no mist or stain upon the clearness of the sky.

But suddenly all is changed. Rattling thunder breaks from the cloudless firmament. The storm bursts forth in fury. Warring winds rush into conflict.

> "Eurus, Notusque ruunt, creberque procellis
> Africus."

Yes, sir, "*creber procellis Africus*"—the South wind thick with storm. And now we find ourselves in the midst of an agitation, the end and issue of which no man can foresee.

Now, sir, who is responsible for this renewal of strife and controversy? Not we, for we have introduced no question of territorial slavery into Congress—not we who are denounced as agitators and factionists. No, sir:

the quietists and the finalists have become agitators; they who told us that all agitation was quieted, and that the resolutions of the political conventions put a final period to the discussion of slavery.

This will not escape the observation of the country. It is *Slavery* that renews the strife. It is Slavery that again wants room. It is Slavery, with its insatiate demands for more slave territory and more slave States.

And what does Slavery ask for now? Why, sir, it demands that a time-honored and sacred compact shall be rescinded—a compact which has endured through a whole generation—a compact which has been universally regarded as inviolable, North and South—a compact, the constitutionality of which few have doubted, and by which all have consented to abide.

It will not answer to violate such a compact without a pretext. Some plausible ground must be discovered or invented for such an act; and such a ground is supposed to be found in the doctrine which was advanced the other day by the Senator from Illinois, that the compromise acts of 1850 "superseded" the prohibition of slavery north of 36° 30′, in the act preparatory for the admission of Missouri. Ay,

sir, "superseded" is the phrase—"superseded by the principles of the legislation of 1850, commonly called the compromise measures."

It is against this statement, untrue in fact, and without foundation in history, that the amendment which I have proposed is directed.

Sir, this is a novel idea. At the time when these measures were before Congress in 1850, when the questions involved in them were discussed from day to day, from week to week, and from month to month, in this Senate chamber, who ever heard that the Missouri prohibition was to be superseded? What man, at what time, in what speech, ever suggested the idea that the acts of that year were to affect the Missouri compromise? The Senator from Illinois the other day invoked the authority of Henry Clay—that departed statesman, in respect to whom, whatever may be the differences of political opinion, none question that, among the great men of this country, he stood proudly eminent. Did he, in the report made by him as the chairman of the Committee of Thirteen, or in any speech in support of the compromise acts, or in any conversation in the committee, or out of the committee, ever even hint at this doctrine of supersedure? Did any

supporter or any opponent of the compromise acts ever vindicate or condemn them on the ground that the Missouri prohibition would be affected by them? Well, sir, the compromise acts were passed. They were denounced North, and they were denounced South. Did any defender of them at the South ever justify his support of them upon the ground that the South had obtained through them the repeal of the Missouri prohibition? Did any objector to them at the North ever even suggest as a ground of condemnation that that prohibition was swept away by them? No, sir! No man, North or South, during the whole of the discussion of those acts here, or in that other discussion which followed their enactment throughout the country, ever intimated any such opinion.

Now, sir, let us come to the last session of Congress. A Nebraska bill passed the House and came to the Senate, and was reported from the Committee on Territories by the Senator from Illinois, as its chairman. Was there any provision in it which even squinted toward this notion of repeal by supersedure? Why, sir, Southern gentlemen opposed it on the very ground that it left the Territory under the operation of the Missouri prohibition. The Sen-

ator from Illinois made a speech in defence of it. Did he invoke Southern support upon the ground that it superseded the Missouri prohibition? Not at all. Was it opposed or vindicated by anybody on any such ground? Every Senator knows the contrary. The Senator from Missouri (Mr. Atchison), now the President of this body, made a speech upon the bill, in which he distinctly declared that the Missouri prohibition was not repealed, and could not be repealed.

I will send this speech to the Secretary, and ask him to read the paragraphs marked.

The Secretary read as follows:

"I will now state to the Senate the views which induced me to oppose this proposition in the early part of this session.

"I had two objections to it. One was that the Indian title in that Territory had not been extinguished, or, at least, a very small portion of it had been. Another was the Missouri compromise, or, as it is commonly called, the slavery restriction. It was my opinion at that time—and I am not now very clear on that subject—that the law of Congress, when the State of Missouri was admitted into the Union, excluding slavery from the Territory of Louisiana north of 36° 30′, would be enforced in that Territory unless it was specially rescinded, and

whether that law was in accordance with the Constitution of the United States or not, it would do its work, and that work would be to preclude slave-holders from going into that Territory. But when I came to look into that question, I found that there was no prospect, no hope, of a repeal of the Missouri compromise excluding slavery from that Territory. Now, sir, I am free to admit, that at this moment, at this hour, and for all time to come, I should oppose the organization or the settlement of that Territory unless my constituents, and the constituents of the whole South—of the slave States of the Union,—could go into it upon the same footing, with equal rights and equal privileges, carrying that species of property with them as other people of this Union. Yes, sir, I acknowledge that that would have governed me, but I have no hope that the restriction will ever be repealed.

"I have always been of opinion that the first great error committed in the political history of this country was the ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri compromise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years

hence."—*Congressional Globe*, Second Session, 32d Cong., vol. xxvi., page 1113.

That, sir, is the speech of the Senator from Missouri (Mr. Atchison), whose authority, I think, must go for something upon this question. What does he say? "When I came to look into that question"—of the possible repeal of the Missouri prohibition—that was the question he was looking into—"I found that there was no prospect, no hope, of a repeal of the Missouri compromise excluding slavery from that Territory." And yet, sir, at that very moment, according to this new doctrine of the Senator from Illinois, it had been repealed three years!

Well, the Senator from Missouri said further, that if he thought it possible to oppose this restriction successfully, he never would consent to the organization of the territory until it was rescinded. But, said he, "I acknowledge that I have no hope that the restriction will ever be repealed." Then he made some complaint, as other Southern gentlemen have frequently done, of the ordinance of 1787, and the Missouri prohibition; but went on to say: "They are both irremediable; there is no remedy for them; we must submit to them; I am prepared

to do it; it is evident that the Missouri compromise cannot be repealed."

Now, sir, when was this said? It was on the morning of the 4th of March, just before the close of the last session, when that Nebraska bill, reported by the Senator from Illinois, which proposed no repeal, and suggested no supersedure, was under discussion. I think, sir, that all this shows pretty clearly that up to the very close of the last session of Congress nobody had ever thought of a repeal by supersedure. Then what took place at the commencement of the present session? The Senator from Iowa, early in December, introduced a bill for the organization of the Territory of Nebraska. I believe it was the same bill which was under discussion here at the last session, line for line, word for word. If I am wrong, the Senator will correct me.

Did the Senator from Iowa, then, entertain the idea that the Missouri prohibition had been superseded? No, sir, neither he nor any other man here, so far as could be judged from any discussion, or statement, or remark, had received this notion.

Well, on the 4th day of January, the Committee on Territories, through their chairman, the

Senator from Illinois, made a report on the territorial organization of Nebraska ; and that report was accompanied by a bill. Now, sir, on that 4th day of January, just thirty days ago, did the Committee on Territories entertain the opinion that the compromise acts of 1850 superseded the Missouri prohibition? If they did, they were very careful to keep it to themselves. We will judge the committee by their own report. What do they say in that? In the first place they describe the character of the controversy, in respect to the Territories acquired from Mexico. They say that some believed that a Mexican law prohibiting slavery was in force there, while others claimed that the Mexican law became inoperative at the moment of acquisition, and that slave-holders could take their slaves into the Territory and hold them there under the provisions of the Constitution. The Territorial Compromise acts, as the committee tell us, steered clear of these questions. They simply provided that the States organized out of these Territories might come in with or without slavery, as they should elect, but did not affect the question whether slaves could or could not be introduced before the organization of State govern-

ments. That question was left entirely to judicial decision.

Well, sir, what did the committee propose to do with the Nebraska Territory? In respect to that, as in respect to the Mexican Territory, differences of opinion exist in relation to the introduction of slaves. There are Southern gentlemen who contend that notwithstanding the Missouri prohibition, they can take their slaves into the territory covered by it, and hold them there by virtue of the Constitution. On the other hand the great majority of the American people, North and South, believe the Missouri prohibition to be constitutional and effectual. Now, what did the committee propose? Did they propose to repeal the prohibition? Did they suggest that it had been superseded? Did they advance any idea of that kind? No, sir. This is their language:

"Under this section, as in the case of the Mexican law in New Mexico and Utah, it is a disputed point whether slavery is prohibited in the Nebraska country by valid enactment. The decision of this question involves the constitutional power of Congress to pass laws prescribing and regulating the domestic institutions of the various Territories of the Union. In the opinion of those eminent statesmen who

hold that Congress is invested with no rightful authority to legislate upon the subject of slavery in the Territories, the eighth section of the act preparatory to the admission of Missouri is null and void, while the prevailing sentiment in a large portion of the Union sustains the doctrine that the Constitution of the United States secures to every citizen an inalienable right to move into any of the Territories with his property, of whatever kind and description, and to hold and enjoy the same under the sanction of law. Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850."

This language will bear repetition:

"Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850."

And they go on to say:

"Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to slave property in

the Territories; so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute."

Mr. President, here are very remarkable facts. The Committee on Territories declared that it was not wise, that it was not prudent, that it was not right, to renew the old controversy, and to arouse agitation. They declared that they would abstain from any recommendation of a repeal of the prohibition, or of any provision declaratory of the construction of the Constitution in respect to the legal points in dispute.

Mr. President, I am not one of those who suppose that the question between Mexican law and the slave-holding claims was avoided in the Utah and New Mexico Act; nor do I think that the introduction into the Nebraska bill of the provisions of those acts in respect to slavery would leave the question between the Missouri prohibition and the same slave-holding claims entirely unaffected. I am of a very different opinion. But I am dealing now with the report of the Senator from Illinois, as chairman of the committee, and I show, be-

yond all controversy, that that report gave no countenance whatever to the doctrine of repeal by supersedure.

Well, sir, the bill reported by the committee was printed in the *Washington Sentinel* on Saturday, January 7th. It contained twenty sections; no more, no less. It contained no provisions in respect to slavery, except those in the Utah and New Mexico bills. It left those provisions to speak for themselves. This was in harmony with the report of the committee. On the 10th of January—on Tuesday—the act appeared again in the *Sentinel;* but it had grown longer during the interval. It appeared now with twenty-one sections. There was a statement in the paper that the twenty-first section had been omitted by a clerical error.

But, sir, it is a singular fact that this twenty-first section is entirely out of harmony with the committee's report. It undertakes to determine the effect of the provision in the Utah and New Mexico bills. It declares, among other things, that all questions pertaining to slavery in the Territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives. This provision, in effect,

repealed the Missouri prohibition, which the committee, in their report, declared ought not to be done. Is it possible, sir, that this was a mere clerical error? May it not be that this twenty-first section was the fruit of some *Sunday work*, between Saturday the 7th, and Tuesday the 10th?

But, sir, the addition of this section, it seems, did not help the bill. It did not, I suppose, meet the approbation of Southern gentlemen, who contended that they have a right to take their slaves into the Territories, notwithstanding any prohibition, either by Congress or by a Territorial Legislature. I dare say it was found that the votes of these gentlemen could not be had for the bill with that clause in it. It was not enough that the committee had abandoned their report, and added this twenty-first section, in direct contravention of its reasonings and principles. The twenty-first section itself must be abandoned, and the repeal of the Missouri prohibition placed in a shape which would not deny the slave-holding claim.

The Senator from Kentucky (Mr. Dixon), on the 16th of January, submitted an amendment which came square up to repeal, and to the

claim. That amendment, probably, produced some fluttering and some consultation. It met the views of Southern Senators, and probably determined the shape which the bill has finally assumed. Of the various mutations which it has undergone, I can hardly be mistaken in attributing the last to the amendment of the Senator from Kentucky. That there is no effect without a cause, is among our earliest lessons in physical philosophy, and I know of no causes which will account for the remarkable changes which the bill underwent after the 16th of January, other than that amendment, and the determination of Southern Senators to support it, and to vote against any provision recognizing the right of any Territorial Legislature to prohibit the introduction of slavery.

It was just seven days, Mr. President, after the Senator from Kentucky had offered his amendment, that a fresh amendment was reported from the Committee on Territories, in the shape of a new bill, enlarged to forty sections. This new bill cuts off from the proposed Territory half a degree of latitude on the south, and divides the residue into two Territories—the southern Territory of Kansas,

and the northern Territory of Nebraska. It applies to each all the provisions of the Utah and New Mexico bills; it rejects entirely the twenty-first clerical-error section, and abrogates the Missouri prohibition by the very singular provision, which I will read:

"The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is therefore declared inoperative."

Doubtless, Mr. President, this provision operates as a repeal of the prohibition. The Senator from Kentucky was right when he said it was in effect the equivalent of his amendment. Those who are willing to break up and destroy the old compact of 1820 can vote for this bill with full assurance that such will be its effect. But I appeal to them not to vote for this supersedure clause. I ask them not to incorporate into the legislation of the country a declaration which every one knows to be wholly untrue.

I have said that this doctrine of supersedure is new. I have now proved that it is a plant of but ten days' growth. It was never seen or heard of until the 23d day of January, 1854. It was upon that day that this tree of Upas was planted; we already see its poison fruits. * * *

The truth is, that the compromise acts of 1850 were not intended to introduce any principles of territorial organization applicable to any other Territory except that covered by them. The professed object of the friends of the compromise acts was to compose the whole slavery agitation. There were various matters of complaint. The non-surrender of fugitives from service was one. The existence of slavery and the slave-trade here in this District and elsewhere, under the exclusive jurisdiction of Congress, was another. The apprehended introduction of slavery into the Territories furnished other grounds of controversy. The slave States complained of the free States, and the free States complained of the slave States. It was supposed by some that this whole agitation might be stayed, and finally put at rest by skilfully adjusted legislation. So, sir, we had the omnibus bill, and its appendages the fugi-

tive-slave bill and the District slave-trade suppression bill. To please the North—to please the free States—California was to be admitted, and the slave depots here in the District were to be broken up. To please the slave States, a stringent fugitive-slave act was to be passed, and slavery was to have a chance to get into the new Territories. The support of the Senators and Representatives from Texas was to be gained by a liberal adjustment of boundary, and by the assumption of a large portion of their State debt. The general result contemplated was a complete and final adjustment of all questions relating to slavery. The acts passed. A number of the friends of the acts signed a compact pledging themselves to support no man for any office who would in any way renew the agitation. The country was required to acquiesce in the settlement as an absolute finality. No man concerned in carrying those measures through Congress, and least of all the distinguished man whose efforts mainly contributed to their success, ever imagined that in the Territorial acts, which formed a part of the series, they were planting the germs of a new agitation. Indeed, I have proved that one of these acts contained an express stipulation

which precludes the revival of the agitation in the form in which it is now thrust upon the country, without manifest disregard of the provisions of those acts themselves.

I have thus proved beyond controversy that the averment of the bill, which my amendment proposes to strike out, is untrue. Senators, will you unite in a statement which you know to be contradicted by the history of the country? Will you incorporate into a public statute an affirmation which is contradicted by every event which attended or followed the adoption of the compromise acts? Will you here, acting under your high responsibility as Senators of the States, assert as a fact, by a solemn vote, that which the personal recollection of every Senator who was here during the discussion of those compromise acts disproves? I will not believe it until I see it. If you wish to break up the time-honored compact embodied in the Missouri compromise, transferred into the joint resolution for the annexation of Texas, preserved and affirmed by these compromise acts themselves, do it openly—do it boldly. Repeal the Missouri prohibition. Repeal it by a direct vote. Do not repeal it by indirection. Do not "declare" it "inoperative," "because super-

seded by the principles of the legislation of 1850."

Mr. President, three great eras have marked the history of this country in respect to slavery. The first may be characterized as the Era of ENFRANCHISEMENT. It commenced with the earliest struggles for national independence. The spirit which inspired it animated the hearts and prompted the efforts of Washington, of Jefferson, of Patrick Henry, of Wythe, of Adams, of Jay, of Hamilton, of Morris—in short, of all the great men of our early history. All these hoped for, all these labored for, all these believed in, the final deliverance of the country from the curse of slavery. That spirit burned in the Declaration of Independence, and inspired the provisions of the Constitution, and the Ordinance of 1787. Under its influence, when in full vigor, State after State provided for the emancipation of the slaves within their limits, prior to the adoption of the Constitution. Under its feebler influence at a later period, and during the administration of Mr. Jefferson, the importation of slaves was prohibited into Mississippi and Louisiana, in the faint hope that those Territories might finally become free States. Gradually that spirit ceased to influence

our public councils, and lost its control over the American heart and the American policy. Another era succeeded, but by such imperceptible gradations that the lines which separate the two cannot be traced with absolute precision. The facts of the two eras meet and mingle as the currents of confluent streams mix so imperceptibly that the observer cannot fix the spot where the meeting waters blend.

This second era was the Era of CONSERVATISM. Its great maxim was to preserve the existing condition. Men said: Let things remain as they are; let slavery stand where it is; exclude it where it is not; refrain from disturbing the public quiet by agitation; adjust all difficulties that arise, not by the application of principles, but by compromises.

It was during this period that the Senator tells us that slavery was maintained in Illinois, both while a Territory and after it became a State, in despite of the provisions of the ordinance. It is true, sir, that the slaves held in the Illinois country, under the French law, were not regarded as absolutely emancipated by the provisions of the ordinance. But full effect was given to the ordinance in excluding the introduction of slaves, and thus the Territory was preserved

from eventually becoming a slave State. The few slave-holders in the Territory of Indiana, which then included Illinois, succeeded in obtaining such an ascendency in its affairs, that repeated applications were made not merely by conventions of delegates, but by the Territorial Legislature itself, for a suspension of the clause in the ordinance prohibiting slavery. These applications were reported upon by John Randolph, of Virginia, in the House, and by Mr. Franklin in the Senate. Both the reports were against suspension. The grounds stated by Randolph are specially worthy of being considered now. They are thus stated in the report:

"That the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration."

Sir, these reports, made in 1803 and 1807, and the action of Congress upon them, in con-

formity with their recommendation, saved Illinois, and perhaps Indiana, from becoming slave States. When the people of Illinois formed their State constitution, they incorporated into it a section providing that neither slavery nor involuntary servitude shall hereafter be introduced into this State. The constitution made provision for the continued service of the few persons who were originally held as slaves, and then bound to service under the Territorial laws, and for the freedom of their children, and thus secured the final extinction of slavery. The Senator thinks that this result is not attributable to the ordinance. I differ from him. But for the ordinance, I have no doubt slavery would have been introduced into Indiana, Illinois, and Ohio. It is something to the credit of the Era of Conservatism, uniting its influences with those of the expiring Era of Enfranchisement, that it maintained the ordinance of 1787 in the Northwest.

The Era of CONSERVATISM passed, also by imperceptible gradations, into the Era of SLAVERY PROPAGANDISM. Under the influences of this new spirit we opened the whole territory acquired from Mexico, except California, to the ingress of slavery. Every foot of

it was covered by a Mexican prohibition; and yet, by the legislation of 1850, we consented to expose it to the introduction of slaves. Some, I believe, have actually been carried into Utah and New Mexico. They may be few, perhaps, but a few are enough to affect materially the probable character of their future governments. Under the evil influences of the same spirit, we are now called upon to reverse the original policy of the Republic; to support even a solemn compact of the conservative period, and open Nebraska to slavery.

Sir, I believe that we are upon the verge of another era. That era will be the Era of REACTION. The introduction of this question here, and its discussion, will greatly hasten its advent. We, who insist upon the denationalization of slavery, and upon the absolute divorce of the General Government from all connection with it, will stand with the men who favored the compromise acts, and who yet wish to adhere to them, in their letter and in their spirit, against the repeal of the Missouri prohibition. But you may pass it here. You may send it to the other House. It may become a law. But its effect will be to satisfy all thinking men that no compromises with slavery will endure,

except so long as they serve the interests of slavery; and that there is no safe and honorable ground for non-slaveholders to stand upon, except that of restricting slavery within State limits, and excluding it absolutely from the whole sphere of Federal jurisdiction. The old questions between political parties are at rest. No great question so thoroughly possesses the public mind as this of slavery. This discussion will hasten the inevitable reorganization of parties upon the new issues which our circumstances suggest. It will light up a fire in the country which may, perhaps, consume those who kindle it. * * *

CHARLES SUMNER,

OF MASSACHUSETTS.

(BORN 1811, DIED 1874.)

ON THE KANSAS-NEBRASKA BILL; SENATE, MAY 25, 1854.

I NOW present the remonstrance of a large number of citizens of New York against the repeal of the Missouri compromise.

I also present the memorial of the Religious Society of Friends, in Michigan, against the passage of the Nebraska bill, or any other bill annulling the Missouri compromise act of 1820.

I also present the remonstrance of the clergy and laity of the Baptist denomination in Michigan and Indiana, against the wrong and bad faith contemplated in the Nebraska bill. But this is not all.

I hold in my hand, and now present to the Senate, one hundred and twenty-five separate remonstrances from clergymen of every Protes-

tant denomination in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, constituting the six New England States. These remonstrances are identical in character with the larger one presented by my distinguished colleague (Mr. Everett),—whose term of service here ends in a few days, by voluntary resignation, and who is now detained at home by illness,—and were originally intended as a part of it, but did not arrive in season to be annexed to that interesting and weighty document. They are independent in form, though supplementary in their nature—helping to swell the protests of the pulpits of New England. * * *

These remonstrances have especial significance, when it is urged, as it has been often in this debate, that the proposition still pending proceeds from the North. Yes, sir, proceeds from the North; for that is its excuse and apology. The ostrich is said to hide its head in the sand, and then vainly imagine its coward body beyond the reach of its pursuers. In similar spirit, honorable Senators seem to shelter themselves behind certain Northern votes, and then vainly imagine that they are protected from the judgment of the country. The

pulpits of New England, representing to an unprecedented extent the popular voice there, now proclaim that these six States protest, with all the fervor of religious conviction, against this measure. To this extent, at least, I confidently declare it does not come from the North.

From these expressions, and other tokens which daily greet us, it is evident that at least the religious sentiment of the country is touched, and, under this sentiment, I rejoice to believe that the whole North will be quickened with the true life of freedom. Sir Philip Sidney, speaking to Queen Elizabeth of the spirit which animated every man, woman, and child in the Netherlands against the Spanish power, exclaimed: "It is the spirit of the Lord, and is invincible." A similar spirit is now animating the free States against the slave power, breathing everywhere its precious inspiration, and forbidding repose under the attempted usurpation. The threat of disunion, so often sounded in our ears, will be disregarded by an aroused and indignant people. Ah, sir, Senators vainly expect peace. Not in this way can peace come. In passing this bill, you scatter, broadcast through the land, dragon's teeth, and though

they may not, as in ancient fable, spring up armed men, yet will they fructify in civil strife and feud.

From the depths of my soul, as a loyal citizen and as a Senator, I plead, remonstrate, protest against the passage of this bill. I struggle against it as against death; but, as in death itself corruption puts on incorruption, and this mortal body puts on immortality, so from the sting of this hour I find assurance of that triumph by which freedom will be restored to her immortal birthright in the Republic.

Sir, the bill, which you are now about to pass is at once the worst and the best bill on which Congress ever acted.

It is the worst bill, inasmuch as it is a present victory of slavery. In a Christian land, and in an age of civilization, a time-honored statute of freedom is struck down, opening the way to all the countless woes and wrongs of human bondage. Among the crimes of history a new one is about to be recorded, which, in better days, will be read with universal shame. The tea tax and stamp act, which aroused the patriotic rage of our fathers, were virtues by the side of this enormity; nor would it be easy to imagine, at this day, any measure which more

openly defied every sentiment of justice, humanity, and Christianity. Am I not right, then, in calling it the worst bill on which Congress ever acted?

But there is another side to which I gladly turn. Sir, it is the best bill on which Congress ever acted; for it prepares the way for that "All hail hereafter," when slavery must disappear. It annuls all past compromises with slavery, and makes all future compromises impossible. Thus it puts freedom and slavery face to face, and bids them grapple. Who can doubt the result? It opens wide the door of the future, when, at last, there will really be a North, and the slave power will be broken; when this wretched despotism will cease to dominate over our Government, no longer impressing itself upon all that it does, at home and abroad; when the National Government shall be divorced in every way from slavery, and, according to the true intention of our fathers, freedom shall be established by Congress everywhere, at least beyond the local limits of the States.

Slavery will then be driven from its usurped foothold here in the District of Columbia; in the national Territories, and elsewhere beneath

the national flag; the fugitive-slave bill, as odious as it is unconstitutional, will become a dead letter; and the domestic slave-trade, so far as it can be reached, but especially on the high seas, will be blasted by Congressional prohibition. Everywhere within the sphere of Congress, the great *Northern Hammer* will descend to smite the wrong; and the irresistible cry will break forth, "No more slave States!"

Thus, sir, now standing at the very grave of freedom in Kansas and Nebraska, I find assurances of that happy resurrection, by which freedom will be secured hereafter, not only in these Territories, but everywhere under the National Government, More clearly than ever before, I now see "the beginning of the end" of slavery. Am I not right, then, in calling this measure the best bill on which Congress ever acted?

Sorrowfully I bend before the wrong you are about to perpetrate. Joyfully I welcome all the promises of the future.

STEPHEN ARNOLD DOUGLAS,

OF ILLINOIS.

(BORN 1813, DIED 1861.)

ON THE KANSAS-NEBRASKA BILL; SENATE, MARCH 3, 1854.

IT has been urged in debate that there is no necessity for these Territorial organizations; and I have been called upon to point out any public and national considerations which require action at this time. Senators seem to forget that our immense and valuable possessions on the Pacific are separated from the States and organized Territories on this side of the Rocky Mountains by a vast wilderness, filled by hostile savages—that nearly a hundred thousand emigrants pass through this barbarous wilderness every year, on their way to California and Oregon—that these emigrants are American citizens, our own constituents, who are entitled to the protection of law and government, and that they are left to make their way, as best

they may, without the protection or aid of law or government. The United States mails for New Mexico and Utah, and official communications between this Government and the authorities of those Territories, are required to be carried over these wild plains, and through the gorges of the mountains, where you have made no provisions for roads, bridges, or ferries to facilitate travel, or forts or other means of safety to protect life. As often as I have brought forward and urged the adoption of measures to remedy these evils, and afford security against the damages to which our people are constantly exposed, they have been promptly voted down as not being of sufficient importance to command the favorable consideration of Congress. Now, when I propose to organize the Territories, and allow the people to do for themselves what you have so often refused to do for them, I am told that there are not white inhabitants enough permanently settled in the country to require and sustain a government. True; there is not a very large population there, for the very reason that your Indian code and intercourse laws exclude the settlers, and forbid their remaining there to cultivate the soil. You refuse to throw the country open to set-

tlers, and then object to the organization of the Territories, upon the ground that there is not a sufficient number of inhabitants.

I will now proceed to the consideration of the great principle involved in the bill, without omitting, however, to notice some of those extraneous matters which have been brought into this discussion with the view of producing another antislavery agitation. We have been told by nearly every Senator who has spoken in opposition to this bill, that at the time of its introduction the people were in a state of profound quiet and repose, that the antislavery agitation had entirely ceased, and that the whole country was acquiescing cheerfully and cordially in the compromise measures of 1850 as a final adjustment of this vexed question. Sir, it is truly refreshing to hear Senators, who contested every inch of ground in opposition to those measures, when they were under discussion, who predicted all manner of evils and calamities from their adoption, and who raised the cry of appeal, and even resistance, to their execution, after they had become the laws of the land—I say it is really refreshing to hear these same Senators now bear their united testimony to the wisdom of those measures, and

to the patriotic motives which induced us to pass them in defiance of their threats and resistance, and to their beneficial effects in restoring peace, harmony, and fraternity to a distracted country. These are precious confessions from the lips of those who stand pledged never to assent to the propriety of those measures, and to make war upon them, so long as they shall remain upon the statute-book. I well understand that these confessions are now made, not with the view of yielding their assent to the propriety of carrying those enactments into faithful execution, but for the purpose of having a pretext for charging upon me, as the author of this bill, the responsibility of an agitation which they are striving to produce. They say that I, and not they, have revived the agitation. What have I done to render me obnoxious to this charge? They say that I wrote and introduced this Nebraska bill. That is true; but I was not a volunteer in the transaction. The Senate, by a unanimous vote, appointed me chairman of the Territorial Committee, and associated five intelligent and patriotic Senators with me, and thus made it our duty to take charge of all Territorial business. In like manner, and with the concurrence

of these complaining Senators, the Senate referred to us a distinct proposition to organize this Nebraska Territory, and required us to report specifically upon the question. I repeat, then, we were not volunteers in this business. The duty was imposed upon us by the Senate. We were not unmindful of the delicacy and responsibility of the position. We were aware that, from 1820 to 1850, the abolition doctrine of Congressional interference with slavery in the Territories and new States had so far prevailed as to keep up an incessant slavery agitation in Congress, and throughout the country, whenever any new Territory was to be acquired or organized. We were also aware that, in 1850, the right of the people to decide this question for themselves, subject only to the Constitution, was submitted for the doctrine of Congressional intervention. This first question, therefore, which the committee were called upon to decide, and indeed the only question of any material importance in framing this bill, was this: Shall we adhere to and carry out the principle recognized by the compromise measures of 1850, or shall we go back to the old exploded doctrine of Congressional interference, as established in 1820, in a large portion of the country,

and which it was the object of the Wilmot proviso to give a universal application, not only to all the territory which we then possessed, but all which we might hereafter acquire? There are no alternatives. We were compelled to frame the bill upon the one or the other of these two principles. The doctrine of 1820 or the doctrine of 1850 must prevail. In the discharge of the duty imposed upon us by the Senate, the committee could not hesitate upon this point, whether we consulted our own individual opinions and principles, or those which were known to be entertained and boldly avowed by a large majority of the Senate. The two great political parties of the country stood solemnly pledged before the world to adhere to the compromise measures of 1850, "in principle and substance." A large majority of the Senate—indeed, every member of the body, I believe, except the two avowed Abolitionists (Mr. Chase and Mr. Sumner)—profess to belong to one or the other of these parties, and hence were supposed to be under a high moral obligation to carry out "the principle and substance" of those measures in all new Territorial organizations. The report of the committee was in accordance with this obliga-

tion. I am arraigned, therefore, for having endeavored to represent the opinions and principles of the Senate truly—for having performed my duty in conformity with parliamentary law—for having been faithful to the trust imposed in me by the Senate. Let the vote this night determine whether I have thus faithfully represented your opinions. When a majority of the Senate shall have passed the bill—when the majority of the States shall have endorsed it through their representatives upon this floor—when a majority of the South and a majority of the North shall have sanctioned it—when a majority of the Whig party and a majority of the Democratic party shall have voted for it—when each of these propositions shall be demonstrated by the vote this night on the final passage of the bill, I shall be willing to submit the question to the country, whether, as the organ of the committee, I performed my duty in the report and bill which have called down upon my head so much denunciation and abuse.

Mr. President, the opponents of this measure have had much to say about the mutations and modifications which this bill has undergone since it was first introduced by myself, and

about the alleged departure of the bill, in its present form, from the principle laid down in the original report of the committee as a rule of action in all future Territorial organizations. Fortunately there is no necessity, even if your patience would tolerate such a course of argument at this late hour of the night, for me to examine these speeches in detail, and reply to each charge separately. Each speaker seems to have followed faithfully in the footsteps of his leader in the path marked out by the Abolition confederates in their manifesto, which I took occasion to expose on a former occasion. You have seen them on their winding way, meandering the narrow and crooked path in Indian file, each treading close upon the heels of the other, and neither venturing to take a step to the right or left, or to occupy one inch of ground which did not bear the footprint of the Abolition champion. To answer one, therefore, is to answer the whole. The statement to which they seem to attach the most importance, and which they have repeated oftener, perhaps, than any other, is, that, pending the compromise measures of 1850, no man in or out of Congress ever dreamed of abrogating the Missouri compromise; that from that

period down to the present session nobody supposed that its validity had been impaired, or any thing done which rendered it obligatory upon us to make it inoperative hereafter; that at the time of submitting the report and bill to the Senate, on the fourth of January last, neither I nor any member of the committee ever thought of such a thing; and that we could never be brought to the point of abrogating the eighth section of the Missouri act until after the Senator from Kentucky introduced his amendment to my bill.

Mr. President, before I proceed to expose the many misrepresentations contained in this complicated charge, I must call the attention of the Senate to the false issue which these gentlemen are endeavoring to impose upon the country, for the purpose of diverting public attention from the real issue contained in the bill. They wish to have the people believe that the abrogation of what they call the Missouri compromise was the main object and aim of the bill, and that the only question involved is, whether the prohibition of slavery north of 36° 30′ shall be repealed or not? That which is a mere incident they choose to consider the principal. They make war on the means by

which we propose to accomplish an object, instead of openly resisting the object itself. The principle which we propose to carry into effect by the bill is this: That *Congress shall neither legislate slavery into any Territories or State, nor out of the same; but the people shall be left free to regulate their domestic concerns in their own way, subject only to the Constitution of the United States.*

In order to carry this principle into practical operation, it becomes necessary to remove whatever legal obstacles might be found in the way of its free exercise. It is only for the purpose of carrying out this great fundamental principle of self-government that the bill renders the eighth section of the Missouri act inoperative and void.

Now, let me ask, will these Senators who have arraigned me, or any one of them, have the assurance to rise in his place and declare that this great principle was never thought of or advocated as applicable to Territorial bills, in 1850; that from that session until the present, nobody ever thought of incorporating this principle in all new Territorial organizations; that the Committee on Territories did not recommend it in their report; and that it required the amend-

ment of the Senator from Kentucky to bring us up to that point? Will any one of my accusers dare to make this issue, and let it be tried by the record? I will begin with the compromises of 1850, Any Senator who will take the trouble to examine our journals, will find that on the 25th of March of that year I reported from the Committee on Territories two bills including the following measures; the admission of California, a Territorial government for New Mexico, and the adjustment of the Texas boundary. These bills proposed to leave the people of Utah and New Mexico free to decide the slavery question for themselves, *in the precise language of the Nebraska bill now under discussion.* A few weeks afterward the committee of thirteen took those two bills and put a wafer between them, and reported them back to the Senate as one bill, with some slight amendments. One of these amendments was, that the Territorial Legislatures should not legislate upon the subject of African slavery. I objected to that provision upon the ground that it subverted the great principle of self-government upon which the bill had been originally framed by the Territorial Committee. On the first trial, the Senate refused to strike

it out, but subsequently did so, after full debate, in order to establish that principle as the rule of action in Territorial organizations. But my accusers attempt to raise up a false issue, and thereby divert public attention from the real one, by the cry that the Missouri compromise is to be repealed or violated by the passage of this bill. Well, if the eighth section of the Missouri act, which attempted to fix the destinies of future generations in those Territories for all time to come, in utter disregard of the rights and wishes of the people when they should be received into the Union as States, be inconsistent with the great principles of self-government and the Constitution of the United States, it ought to be abrogated. The legislation of 1850 abrogated the Missouri compromise, so far as the country embraced within the limits of Utah and New Mexico was covered by the slavery restriction. It is true, that those acts did not in terms and by name repeal the act of 1820, as originally adopted, or as extended by the resolutions annexing Texas in 1845, any more than the report of the Committee on Territories proposed to repeal the same acts this session. But the acts of 1850 did authorize the people of those Territories to exercise "all right-

ful powers of legislation consistent with the Constitution," not excepting the question of slavery; and did provide that, when those Territories should be admitted into the Union, they should be received with or without slavery as the people thereof might determine at the date of their admission. These provisions were in direct conflict with a clause in the former enactment, declaring that slavery should be forever prohibited in any portion of said Territories, and hence rendered such clause inoperative and void to the extent of such conflict. This was an inevitable consequence, resulting from the provisions in those acts, which gave the people the right to decide the slavery question for themselves, in conformity with the Constitution. It was not necessary to go farther and declare that certain previous enactments, which were incompatible with the exercise of the powers conferred in the bills, are hereby repealed. The very act of granting those powers and rights has the legal effect of removing all obstructions to the exercise of them by the people, as prescribed in those Territorial bills. Following that example, the Committee on Territories did not consider it necessary to declare the eighth section of the

Missouri act repealed. We were content to organize Nebraska in the precise language of the Utah and New Mexican bills. Our object was to leave the people entirely free to form and regulate their domestic institutions and internal concerns in their own way, under the Constitution; and we deemed it wise to accomplish that object in the exact terms in which the same thing had been done in Utah and New Mexico by the acts of 1850. This was the principle upon which the committee voted; and our bill was supposed, and is now believed, to have been in accordance with it. When doubts were raised whether the bill did fully carry out the principle laid down in the report, amendments were made from time to time, in order to avoid all misconstruction, and make the true intent of the act more explicit. The last of these amendments was adopted yesterday, on the motion of the distinguished Senator from North Carolina (Mr. Badger), in regard to the revival of any laws or regulations which may have existed prior to 1820. That amendment was not intended to change the legal effect of the bill. Its object was to repel the slander which had been propagated by the enemies of the measure in the North—

that the Southern supporters of the bill desired to legislate slavery into these Territories. The South denies the right of Congress either to legislate slavery into any Territory or State, or out of any Territory or State. Non-intervention by Congress with slavery in the States or Territories is the doctrine of the bill, and all the amendments which have been agreed to have been made with the view of removing all doubt and cavil as to the true meaning and object of the measure * * *

Well, sir, what is this Missouri compromise, of which we have heard so much of late? It has been read so often that it is not necessary to occupy the time of the Senate in reading it again. It was an act of Congress, passed on the 6th of March, 1820, to authorize the people of Missouri to form a constitution and a State government, preparatory to the admission of such State into the Union. The first section provided that Missouri should be received into the Union "on an equal footing with the original States in all respects whatsoever." The last and eighth section provided that slavery should be "forever prohibited" in all the territory which had been acquired from France north of 36° 30′, and not included

within the limits of the State of Missouri. There is nothing in the terms of the law that purports to be a compact, or indicates that it was any thing more than an ordinary act of legislation. To prove that it was more than it purports to be on its face, gentlemen must produce other evidence, and prove that there was such an understanding as to create a moral obligation in the nature of a compact. Have they shown it?

Now, if this was a compact, let us see how it was entered into. The bill originated in the House of Representatives, and passed that body without a Southern vote in its favor. It is proper to remark, however, that it did not at that time contain the eighth section, prohibiting slavery in the Territories; but in lieu of it, contained a provision prohibiting slavery in the proposed State of Missouri. In the Senate, the clause prohibiting slavery in the State was stricken out, and the eighth section added to the end of the bill, by the terms of which slavery was to be forever prohibited in the territory not embraced in the State of Missouri north of 36° 30′. The vote on adding this section stood in the Senate, 34 in the affirmative, and 10 in the negative. Of the

Northern Senators, 20 voted for it, and 2 against it. On the question of ordering the bill to a third reading as amended, which was the test vote on its passage, the vote stood 24 yeas and 20 nays. Of the Northern Senators, 4 only voted in the affirmative, and 18 in the negative. Thus it will be seen that if it was intended to be a compact, the North never agreed to it. The Northern Senators voted to insert the prohibition of slavery in the Territories; and then, in the proportion of more than four to one, voted against the passage of the bill. The North, therefore, never signed the compact, never consented to it, never agreed to be bound by it. This fact becomes very important in vindicating the character of the North for repudiating this alleged compromise a few months afterward. The act was approved and became a law on the 6th of March, 1820. In the summer of that year, the people of Missouri formed a constitution and State government preparatory to admission into the Union in conformity with the act. At the next session of Congress the Senate passed a joint resolution declaring Missouri to be one of the States of the Union, on an equal footing with the original States. This resolution was

sent to the House of Representatives, where it was rejected by Northern votes, and thus Missouri was voted out of the Union, instead of being received into the Union under the act of the 6th of March, 1820, now known as the Missouri compromise. Now, sir, what becomes of our plighted faith, if the act of the 6th of March, 1820, was a solemn compact, as we are now told? They have all rung the changes upon it, that it was a sacred and irrevocable compact, binding in honor, in conscience, and morals, which could not be violated or repudiated without perfidy and dishonor! * * * Sir, if this was a compact, what must be thought of those who violated it almost immediately after it was formed? I say it is a calumny upon the North to say that it was a compact. I should feel a flush of shame upon my cheek, as a Northern man, if I were to say that it was a compact, and that the section of the country to which I belong received the consideration, and then repudiated the obligation in eleven months after it was entered into. I deny that it was a compact, in any sense of the term. But if it was, the record proves that faith was not observed —that the contract was never carried into effect —that after the North had procured the passage

of the act prohibiting slavery in the Territories, with a majority in the House large enough to prevent its repeal, Missouri was refused admission into the Union as a slave-holding State, in conformity with the act of March 6, 1820. If the proposition be correct, as contended for by the opponents of this bill—that there was a solemn compact between the North and South that, in the consideration of the prohibition of slavery in the Territories, Missouri was to be admitted into the Union, in conformity with the act of 1820—that compact was repudiated by the North, and rescinded by the joint action of the two parties within twelve months from its date. Missouri was never admitted under the act of the 6th of March, 1820. She was refused admission under that act. She was voted out of the Union by Northern votes, notwithstanding the stipulation that she should be received; and, in consequence of these facts, a new compromise was rendered necessary, by the terms of which Missouri was to be admitted into the Union conditionally—admitted on a condition not embraced in the act of 1820, and, in addition, to a full compliance with all the provisions of said act. If, then, the act of 1820, by the eighth section of which slavery

was prohibited in Missouri, was a compact, it is clear to the comprehension of every fair-minded man that the refusal of the North to admit Missouri, in compliance with its stipulations, and without further conditions, imposes upon us a high, moral obligation to remove the prohibition of slavery in the Territories, since it has been shown to have been procured upon a condition never performed.

Mr. President, I did not wish to refer to these things. I did not understand them fully in all their bearings at the time I made my first speech on this subject; and, so far as I was familiar with them, I made as little reference to them as was consistent with my duty; because it was a mortifying reflection to me, as a Northern man, that we had not been able, in consequence of the abolition excitement at the time, to avoid the appearance of bad faith in the observance of legislation, which has been denominated a compromise. There were a few men then, as there are now, who had the moral courage to perform their duty to the country and the Constitution, regardless of consequences personal to themselves. There were ten Northern men who dared to perform their duty by voting to admit Missouri into the

Union on an equal footing with the original States, and with no other restriction than that imposed by the Constitution. I am aware that they were abused and denounced as we are now—that they were branded as dough-faces—traitors to freedom, and to the section of country whence they came. * * *

I think I have shown that if the act of 1820, called the Missouri compromise, was a compact, it was violated and repudiated by a solemn vote of the House of Representatives in 1821, within eleven months after it was adopted. It was repudiated by the North by a majority vote, and that repudiation was so complete and successful as to compel Missouri to make a new compromise, and she was brought into the Union under the new compromise of 1821, and not under the act of 1820. This reminds me of another point made in nearly all the speeches against this bill, and, if I recollect right, was alluded to in the abolition manifesto ; to which, I regret to say, I had occasion to refer so often. I refer to the significant hint that Mr. Clay was dead before any one dared to bring forward a proposition to undo the greatest work of his hands. The Senator from New York (Mr. Seward) has seized upon this insinuation and

elaborated, perhaps, more fully than his compeers; and now the Abolition press, suddenly, and, as if by miraculous conversion, teems with eulogies upon Mr. Clay and his Missouri compromise of 1820.

Now, Mr. President, does not each of these Senators know that Mr. Clay was not the author of the act of 1820? Do they not know that he disclaimed it in 1850 in this body? Do they not know that the Missouri restriction did not originate in the House, of which he was a member? Do they not know that Mr. Clay never came into the Missouri controversy as a compromiser until after the compromise of 1820 was repudiated, and it became necessary to make another? I dislike to be compelled to repeat what I have conclusively proven, that the compromise which Mr. Clay effected was the act of 1821, under which Missouri came into the Union, and not the act of 1820. Mr. Clay made that compromise after you had repudiated the first one. How, then, dare you call upon the spirit of that great and gallant statesman to sanction your charge of bad faith against the South on this question? * * *

Now, Mr. President, as I have been doing justice to Mr. Clay on this question, perhaps I

may as well do justice to another great man, who was associated with him in carrying through the great measures of 1850, which mortified the Senator from New York so much, because they defeated his purpose of carrying on the agitation. I allude to Mr. Webster. The authority of his great name has been quoted for the purpose of proving that he regarded the Missouri act as a compact, an irrepealable compact. Evidently the distinguished Senator from Massachusetts (Mr. Everett) supposed he was doing Mr. Webster entire justice when he quoted the passage which he read from Mr. Webster's speech of the 7th of March, 1850, when he said that he stood upon the position that every part of the American continent was fixed for freedom or for slavery by irrepealable law. The Senator says that by the expression "irrepealable law," Mr. Webster meant to include the compromise of 1820. Now, I will show that that was not Mr. Webster's meaning—that he was never guilty of the mistake of saying that the Missouri act of 1820 was an irrepealable law. Mr. Webster said in that speech that every foot of territory in the United States was fixed as to its character for freedom or slavery by an irrepealable law. He

then inquired if it was not so in regard to Texas? He went on to prove that it was; because, he said, there was a compact in express terms between Texas and the United States. He said the parties were capable of contracting and that there was a valuable consideration; and hence, he contended, that in that case there was a contract binding in honor and morals and law; and that it was irrepealable without a breach of faith.

He went on to say:

"Now, as to California and New Mexico, I hold slavery to be excluded from these Territories by a law even superior to that which admits and sanctions it in Texas—I mean the law of nature—of physical geography—the law of the formation of the earth."

That was the irrepealable law which he said prohibited slavery in the Territories of Utah and New Mexico. He went on to speak of the prohibition of slavery in Oregon, and he said it was an "entirely useless and, in that connection, senseless proviso."

He went further, and said:

"That the whole territory of the States of the United States, or in the newly-acquired territory of the United States, has a fixed and settled character, now fixed and settled by law,

which cannot be repealed in the case of Texas without a violation of public faith, and cannot be repealed by any human power in regard to California or New Mexico; that, *under one or other of these laws*, every foot of territory in the States or in the Territories has now received a fixed and decided character."

What irrepealable laws? "One or the other" of those which he had stated. One was the Texas compact; the other, the law of nature and physical geography; and he contended that one or the other fixed the character of the whole American continent for freedom or for slavery. He never alluded to the Missouri compromise, unless it was by the allusion to the Wilmot proviso in the Oregon bill, and therein said it was a useless and, in that connection, senseless thing. Why was it a useless and senseless thing? Because it was re-enacting the law of God; because slavery had already been prohibited by physical geography. Sir, that was the meaning of Mr. Webster's speech. * * *

Mr. President, I have occupied a good deal of time in exposing the cant of these gentlemen about the sanctity of the Missouri compromise, and the dishonor attached to the violation of plighted faith. I have exposed these

matters in order to show that the object of these men is to withdraw from public attention the real principle involved in the bill. They well know that the abrogation of the Missouri compromise is the incident and not the principal of the bill. They well understand that the report of the committee and the bill propose to establish the principle in all Territorial organizations, that the question of slavery shall be referred to the people to regulate for themselves, and that such legislation should be had as was necessary to remove all legal obstructions to the free exercise of this right by the people. The eighth section of the Missouri act standing in the way of this great principle must be rendered inoperative and void, whether expressly repealed or not, in order to give the people the power of regulating their own domestic institutions in their own way, subject only to the Constitution.

Now, sir, if these gentlemen have entire confidence in the correctness of their own position, why do they not meet the issue boldly and fairly, and controvert the soundness of this great principle of popular sovereignty in obedience to the Constitution? They know full well that this was the principle upon which the colo-

nies separated from the crown of Great Britain, the principle upon which the battles of the Revolution were fought, and the principle upon which our republican system was founded. They cannot be ignorant of the fact that the Revolution grew out of the assertion of the right on the part of the imperial Government to interfere with the internal affairs and domestic concerns of the colonies. * * *

The Declaration of Independence had its origin in the violation of that great fundamental principle which secured to the colonies the right to regulate their own domestic affairs in their own way; and the Revolution resulted in the triumph of that principle, and the recognition of the right asserted by it. Abolitionism proposes to destroy the right and extinguish the principle for which our forefathers waged a seven years' bloody war, and upon which our whole system of free government is founded. They not only deny the application of this principle to the Territories, but insist upon fastening the prohibition upon all the States to be formed out of those Territories. Therefore, the doctrine of the Abolitionists—the doctrine of the opponents of the Nebraska and Kansas bill, and the advocates of the Missouri restric-

tion—demands Congressional interference with slavery not only in the Territories, but in all the new States to be formed therefrom. It is the same doctrine, when applied to the Territories and new States of this Union, which the British Government attempted to enforce by the sword upon the American colonies. It is this fundamental principle of self-government which constitutes the distinguishing feature of the Nebraska bill. The opponents of the principle are consistent in opposing the bill. I do not blame them for their opposition. I only ask them to meet the issue fairly and openly, by acknowledging that they are opposed to the principle which it is the object of the bill to carry into operation. It seems that there is no power on earth, no intellectual power, no mechanical power, that can bring them to a fair discussion of the true issue. If they hope to delude the people and escape detection for any considerable length of time under the catchwords "Missouri compromise" and "faith of compacts," they will find that the people of this country have more penetration and intelligence than they have given them credit for.

Mr. President, there is an important fact connected with this slavery regulation, which should

never be lost sight of. It has always arisen from one and the same cause. Whenever that cause has been removed, the agitation has ceased; and whenever the cause has been renewed, the agitation has sprung into existence. That cause is, and ever has been, the attempt on the part of Congress to interfere with the question of slavery in the Territories and new States formed therefrom. Is it not wise then to confine our action within the sphere of our legitimate duties, and leave this vexed question to take care of itself in each State and Territory, according to the wishes of the people thereof, in conformity to the forms, and in subjection to the provisions, of the Constitution?

The opponents of the bill tell us that agitation is no part of their policy; that their great desire is peace and harmony; and they complain bitterly that I should have disturbed the repose of the country by the introduction of this measure! Let me ask these professed friends of peace, and avowed enemies of agitation, how the issue could have been avoided. They tell me that I should have let the question alone; that is, that I should have left Nebraska unorganized, the people unprotected, and the Indian barrier in existence, until the

swelling tide of emigration should burst through, and accomplish by violence what it is the part of wisdom and statesmanship to direct and regulate by law. How long could you have postponed action with safety? How long could you maintain that Indian barrier, and restrain the onward march of civilization, Christianity, and free government by a barbarian wall? Do you suppose that you could keep that vast country a howling wilderness in all time to come, roamed over by hostile savages, cutting off all safe communication between our Atlantic and Pacific possessions? I tell you that the time for action has come, and cannot be postponed. It is a case in which the "let-alone" policy would precipitate a crisis which must inevitably result in violence, anarchy, and strife.

You cannot fix bounds to the onward march of this great and growing country. You cannot fetter the limbs of the young giant. He will burst all your chains. He will expand, and grow, and increase, and extend civilization, Christianity, and liberal principles. Then, sir, if you cannot check the growth of the country in that direction, is it not the part of wisdom to look the danger in the face, and provide for an event

which you cannot avoid? I tell you, sir, you must provide for lines of continuous settlement from the Mississippi valley to the Pacific ocean. And in making this provision, you must decide upon what principles the Territories shall be organized; in other words, whether the people shall be allowed to regulate their domestic institutions in their own way, according to the provisions of this bill, or whether the opposite doctrine of Congressional interference is to prevail. Postpone it, if you will; but whenever you do act, this question must be met and decided.

The Missouri compromise was interference; the compromise of 1850 was non-interference, leaving the people to exercise their rights under the Constitution. The Committee on Territories were compelled to act on this subject. I, as their chairman, was bound to meet the question. I chose to take the responsibility regardless of consequences personal to myself. I should have done the same thing last year, if there had been time; but we know, considering the late period at which the bill then reached us from the House, that there was not sufficient time to consider the question fully, and to prepare a report upon the subject.

I was, therefore, persuaded by my friends to allow the bill to be reported to the Senate, in order that such action might be taken as should be deemed wise and proper. The bill was never taken up for action—the last night of the session having been exhausted in debate on a motion to take up the bill. This session, the measure was introduced by my friend from Iowa (Mr. Dodge), and referred to the Territorial Committee during the first week of the session. We have abundance of time to consider the subject; it is a matter of pressing necessity, and there was no excuse for not meeting it directly and fairly. We were compelled to take our position upon the doctrine either of intervention or non-intervention. We chose the latter for two reasons: first, because we believed that the principle was right; and, second, because it was the principle adopted in 1850, to which the two great political parties of the country were solemnly pledged.

There is another reason why I desire to see this principle recognized as a rule of action in all time to come. It will have the effect to destroy all sectional parties and sectional agitations. If, in the language of the report of the committee, you withdraw the slavery question

from the halls of Congress and the political arena, and commit it to the arbitrament of those who are immediately interested in and alone responsible for its consequences, there is nothing left out of which sectional parties can be organized. It never was done, and never can be done on the bank, tariff, distribution, or any party issue which has existed, or may exist, after this slavery question is withdrawn from politics. On every other political question these have always supporters and opponents in every portion of the Union—in each State, county, village, and neighborhood—residing together in harmony and good fellowship, and combating each other's opinions and correcting each other's errors in a spirit of kindness and friendship. These differences of opinion between neighbors and friends, and the discussions that grow out of them, and the sympathy which each feels with the advocates of his own opinions in every portion of this widespread Republic, add an overwhelming and irresistible moral weight to the strength of the Confederacy. Affection for the Union can never be alienated or diminished by any other party issues than those which are joined upon sectional or geographical lines. When the people of the

North shall all be rallied under one banner, and the whole South marshalled under another banner, and each section excited to frenzy and madness by hostility to the institutions of the other, then the patriot may well tremble for the perpetuity of the Union. Withdraw the slavery question from the political arena, and remove it to the States and Territories, each to decide for itself, such a catastrophe can never happen. Then you will never be able to tell, by any Senator's vote for or against any measure, from what State or section of the Union he comes.

Why, then, can we not withdraw this vexed question from politics? Why can we not adopt the principle of this bill as a rule of action in all new Territorial organizations? Why can we not deprive these agitators of their vocation and render it impossible for Senators to come here upon bargains on the slavery question? I believe that the peace, the harmony, and perpetuity of the Union require us to go back to the doctrines of the Revolution, to the principles of the Constitution, to the principles of the Compromise of 1850, and leave the people, under the Constitution, to do as they may see proper in respect to their own internal affairs.

Mr. President, I have not brought this question forward as a Northern man or as a Southern man. I am unwilling to recognize such divisions and distinctions. I have brought it forward as an American Senator, representing a State which is true to this principle, and which has approved of my action in respect to the Nebraska bill. I have brought it forward not as an act of justice to the South more than to the North. I have presented it especially as an act of justice to the people of those Territories and of the States to be formed therefrom, now and in all time to come. I have nothing to say about Northern rights or Southern rights. I know of no such divisions or distinctions under the Constitution. The bill does equal and exact justice to the whole Union, and every part of it; it violates the right of no State or Territory; but places each on a perfect equality, and leaves the people thereof to the free enjoyment of all their rights under the Constitution.

Now, sir, I wish to say to our Southern friends that if they desire to see this great principle carried out, now is their time to rally around it, to cherish it, preserve it, make it the rule of action in all future time. If they fail to do it now, and thereby allow the doctrine of

interference to prevail, upon their heads the consequences of that interference must rest. To our Northern friends, on the other hand, I desire to say, that from this day henceforward they must rebuke the slander which has been uttered against the South, that they desire to legislate slavery into the Territories. The South has vindicated her sincerity, her honor, on that point by bringing forward a provision negativing, in express terms, any such effect as a result of this bill. I am rejoiced to know that while the proposition to abrogate the eighth section of the Missouri act comes from a free State, the proposition to negative the conclusion that slavery is thereby introduced, comes from a slave-holding State. Thus, both sides furnish conclusive evidence that they go for the principle, and the principle only, and desire to take no advantage of any possible misconstruction.

Mr. President, I feel that I owe an apology to the Senate for having occupied their attention so long, and a still greater apology for having discussed the question in such an incoherent and desultory manner. But I could not forbear to claim the right of closing this debate. I thought gentlemen would recognize its propri-

ety when they saw the manner in which I was assailed and misrepresented in the course of this discussion, and especially by assaults still more disreputable in some portions of the country. These assaults have had no other effect upon me than to give me courage and energy for a still more resolute discharge of duty. I say frankly that, in my opinion, this measure will be as popular at the North as at the South, when its provisions and principles shall have been fully developed, and become well understood. The people at the North are attached to the principles of self-government, and you cannot convince them that that is self-government which deprives a people of the right of legislating for themselves, and compels them to receive laws which are forced upon them by a Legislature in which they are not represented. We are willing to stand upon this great principle of self-government everywhere; and it is to us a proud reflection that, in this whole discussion, no friend of the bill has urged an argument in its favor which could not be used with the same propriety in a free State as in a slave State, and *vice versâ*. No enemy of the bill has used an argument which would bear repetition one mile across Mason

and Dixon's line. Our opponents have dealt entirely in sectional appeals. The friends of the bill have discussed a great principle of universal application, which can be sustained by the same reasons, and the same arguments, in every time and in every corner of the Union.

CHARLES SUMNER,

OF MASSACHUSETTS.

(BORN 1811, DIED 1874.)

ON THE CRIME AGAINST KANSAS; SENATE, MAY 19–20, 1856.

MR. PRESIDENT:

You are now called to redress a great transgression. Seldom in the history of nations has such a question been presented. Tariffs, Army bills, Navy bills, Land bills, are important, and justly occupy your care; but these all belong to the course of ordinary legislation. As means and instruments only, they are necessarily subordinate to the conservation of government itself. Grant them or deny them, in greater or less degree, and you will inflict no shock. The machinery of government will continue to move. The State will not cease to exist. Far otherwise is it with the eminent question now before you, involving, as it does, Liberty in a broad territory, and also involving the peace of

the whole country, with our good name in history forever more.

Take down your map, sir, and you will find that the Territory of Kansas, more than any other region, occupies the middle spot of North America, equally distant from the Atlantic on the east, and the Pacific on the west; from the frozen waters of Hudson's Bay on the north, and the tepid Gulf Stream on the south, constituting the precise territorial centre of the whole vast continent. To such advantages of situation, on the very highway between two oceans, are added a soil of unsurpassed richness, and a fascinating, undulating beauty of surface, with a health-giving climate, calculated to nurture a powerful and generous people, worthy to be a central pivot of American institutions. A few short months only have passed since this spacious and mediterranean country was open only to the savage who ran wild in its woods and prairies; and now it has already drawn to its bosom a population of freemen larger than Athens crowded within her historic gates, when her sons, under Miltiades, won liberty for mankind on the field of Marathon; more than Sparta contained when she ruled Greece, and sent forth her devoted children, quickened by a mother's

benediction, to return with their shields, or on them; more than Rome gathered on her seven hills, when, under her kings, she commenced that sovereign sway, which afterward embraced the whole earth; more than London held, when, on the fields of Crecy and Agincourt, the English banner was carried victoriously over the chivalrous hosts of France.

Against this Territory, thus fortunate in position and population, a crime has been committed, which is without example in the records of the past. Not in plundered provinces or in the cruelties of selfish governors will you find its parallel; and yet there is an ancient instance, which may show at least the path of justice. In the terrible impeachment by which the great Roman orator has blasted through all time the name of Verres, amidst charges of robbery and sacrilege, the enormity which most aroused the indignant voice of his accuser, and which still stands forth with strongest distinctness, arresting the sympathetic indignation of all who read the story, is, that away in Sicily he had scourged a citizen of Rome—that the cry, "I am a Roman citizen," had been interposed in vain against the lash of the tyrant governor. Other charges were, that he had carried away

productions of art, and that he had violated the sacred shrines. It was in the presence of the Roman Senate that this arraignment proceeded; in a temple of the Forum; amidst crowds—such as no orator had ever before drawn together—thronging the porticos and collonnades, even clinging to the house-tops and neighboring slopes—and under the anxious gaze of witnesses summoned from the scene of crime. But an audience grander far—of higher dignity—of more various people, and of wider intelligence—the countless multitude of succeeding generations, in every land, where eloquence has been studied, or where the Roman name has been recognized,—has listened to the accusation, and throbbed with condemnation of the criminal. Sir, speaking in an age of light, and a land of constitutional liberty, where the safeguards of elections are justly placed among the highest triumphs of civilization, I fearlessly assert that the wrongs of much-abused Sicily, thus memorable in history, were small by the side of the wrongs of Kansas, where the very shrines of popular institutions, more sacred than any heathen altar, have been desecrated; where the ballot-box, more precious than any work, in ivory or marble, from the

cunning hand of art, has been plundered; and where the cry, "I am an American citizen," has been interposed in vain against outrage of every kind, even upon life itself. Are you against sacrilege? I present it for your execration. Are you against robbery? I hold it up to your scorn. Are you for the protection of American citizens? I show you how their dearest rights have been cloven down, while a Tyrannical Usurpation has sought to install itself on their very necks!

But the wickedness which I now begin to expose is immeasurably aggravated by the motive which prompted it. Not in any common lust for power did this uncommon tragedy have its origin. It is the rape of a virgin Territory, compelling it to the hateful embrace of Slavery; and it may be clearly traced to a depraved longing for a new slave State, the hideous offspring of such a crime, in the hope of adding to the power of slavery in the National Government. Yes, sir, when the whole world, alike Christian and Turk, is rising up to condemn this wrong, and to make it a hissing to the nations, here in our Republic, *force*—ay, sir, FORCE—has been openly employed in compelling Kansas to this pollution, and all for the sake

of political power. There is the simple fact, which you will in vain attempt to deny, but which in itself presents an essential wickedness that makes other public crimes seem like public virtues.

But this enormity, vast beyond comparison, swells to dimensions of wickedness which the imagination toils in vain to grasp, when it is understood that for this purpose are hazarded the horrors of intestine feud not only in this distant Territory, but everywhere throughout the country. Already the muster has begun. The strife is no longer local, but national. Even now, while I speak, portents hang on all the arches of the horizon threatening to darken the broad land, which already yawns with the mutterings of civil war. The fury of the propagandists of Slavery, and the calm determination of their opponents, are now diffused from the distant Territory over widespread communities, and the whole country, in all its extent—marshalling hostile divisions, and foreshadowing a strife which, unless happily averted by the triumph of Freedom, will become war—fratricidal, parricidal war—with an accumulated wickedness beyond the wickedness of any war in human annals; justly provoking the avenging

judgment of Providence and the avenging pen of history, and constituting a strife, in the language of the ancient writer, more than *foreign*, more than *social*, more than *civil*; but something compounded of all these strifes, and in itself more than war; *sed potius commune quoddam ex omnibus, et plus quam bellum.*

Such is the crime which you are to judge. But the criminal also must be dragged into day, that you may see and measure the power by which all this wrong is sustained. From no common source could it proceed. In its perpetration was needed a spirit of vaulting ambition which would hesitate at nothing; a hardihood of purpose which was insensible to the judgment of mankind; a madness for Slavery which would disregard the Constitution, the laws, and all the great examples of our history; also a consciousness of power such as comes from the habit of power; a combination of energies found only in a hundred arms directed by a hundred eyes; a control of public opinion through venal pens and a prostituted press; an ability to subsidize crowds in every vocation of life—the politician with his local importance, the lawyer with his subtle tongue, and even the authority of the judge on the bench; and a

familiar use of men in places high and low, so that none, from the President to the lowest border postmaster, should decline to be its tool; all these things and more were needed, and they were found in the slave power of our Republic. There, sir, stands the criminal, all unmasked before you—heartless, grasping, and tyrannical—with an audacity beyond that of Verres, a subtlety beyond that of Machiavel, a meanness beyond that of Bacon, and an ability beyond that of Hastings. Justice to Kansas can be secured only by the prostration of this influence; for this the power behind—greater than any President—which succors and sustains the crime. Nay, the proceedings I now arraign derive their fearful consequences only from this connection.

In now opening this great matter, I am not insensible to the austere demands of the occasion; but the dependence of the crime against Kansas upon the slave power is so peculiar and important, that I trust to be pardoned while I impress it with an illustration, which to some may seem trivial. It is related in Northern mythology that the god of Force, visiting an enchanted region, was challenged by his royal entertainer to what seemed an humble feat of

strength—merely, sir, to lift a cat from the ground. The god smiled at the challenge, and, calmly placing his hand under the belly of the animal, with superhuman strength strove, while the back of the feline monster arched far upward, even beyond reach, and one paw actually forsook the earth, until at last the discomfited divinity desisted ; but he was little surprised at his defeat when he learned that this creature, which seemed to be a cat, and nothing more, was not merely a cat, but that it belonged to and was a part of the great Terrestrial Serpent, which, in its innumerable folds, encircled the whole globe. Even so the creature, whose paws are now fastened upon Kansas, whatever it may seem to be, constitutes in reality a part of the slave power, which, in its loathsome folds, is now coiled about the whole land. Thus do I expose the extent of the present contest, where we encounter not merely local resistance, but also the unconquered sustaining arm behind. But out of the vastness of the crime attempted, with all its woe and shame, I derive a well-founded assurance of a commensurate vastness of effort against it by the aroused masses of the country, determined not only to vindicate Right against Wrong, but to

redeem the Republic from the thraldom of that Oligarchy which prompts, directs, and concentrates the distant wrong.

Such is the crime, and such the criminal, which it is my duty in this debate to expose, and, by the blessing of God, this duty shall be done completely to the end. * * *

But, before entering upon the argument, I must say something of a general character, particularly in response to what has fallen from Senators who have raised themselves to eminence on this floor in championship of human wrongs. I mean the Senator from South Carolina (Mr. Butler), and the Senator from Illinois (Mr. Douglas), who, though unlike as Don Quixote and Sancho Panza, yet, like this couple, sally forth together in the same adventure. I regret much to miss the elder Senator from his seat; but the cause, against which he has run a tilt, with such activity of animosity, demands that the opportunity of exposing him should not be lost; and it is for the cause that I speak. The Senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who,

though ugly to others, is always lovely to him; though polluted in the sight of the world, is chaste in his sight—I mean the harlot, Slavery. For her, his tongue is always profuse in words. Let her be impeached in character, or any proposition made to shut her out from the extension of her wantonness, and no extravagance of manner or hardihood of assertion is then too great for this Senator. The frenzy of Don Quixote, in behalf of his wench, Dulcinea del Toboso, is all surpassed. The asserted rights of Slavery, which shock equality of all kinds, are cloaked by a fantastic claim of equality. If the slave States cannot enjoy what, in mockery of the great fathers of the Republic, he misnames equality under the Constitution—in other words, the full power in the National Territories to compel fellow-men to unpaid toil, to separate husband and wife, and to sell little children at the auction block—then, sir, the chivalric Senator will conduct the State of South Carolina out of the Union! Heroic knight! Exalted Senator! A second Moses come for a second exodus!

But not content with this poor menace, which we have been twice told was "measured," the Senator in the unrestrained chivalry of his

nature, has undertaken to apply opprobrious words to those who differ from him on this floor. He calls them "sectional and fanatical;" and opposition to the usurpation in Kansas he denounces as "an uncalculating fanaticism." To be sure these charges lack all grace of originality, and all sentiment of truth; but the adventurous Senator does not hesitate. He is the uncompromising, unblushing representative on this floor of a flagrant *sectionalism*, which now domineers over the Republic, and yet with a ludicrous ignorance of his own position—unable to see himself as others see him—or with an effrontery which even his white head ought not to protect from rebuke, he applies to those here who resist his *sectionalism* the very epithet which designates himself. The men who strive to bring back the Government to its original policy, when Freedom and not Slavery was sectional, he arraigns as *sectional*. This will not do. It involves too great a perversion of terms. I tell that Senator that it is to himself, and to the "organization" of which he is the "committed advocate," that this epithet belongs. I now fasten it upon them. For myself, I care little for names; but since the question has been raised here, I affirm that the

Republican party of the Union is in no just sense *sectional*, but, more than any other party, *national*; and that it now goes forth to dislodge from the high places of the Government the tyrannical sectionalism of which the Senator from South Carolina is one of the maddest zealots. * * *

As the Senator from South Carolina, is the Don Quixote, the Senator from Illinois (Mr. Douglas) is the Squire of Slavery, its very Sancho Panza, ready to do all its humiliating offices. This Senator, in his labored address, vindicating his labored report—piling one mass of elaborate error upon another mass—constrained himself, as you will remember, to unfamiliar decencies of speech. Of that address I have nothing to say at this moment, though before I sit down I shall show something of its fallacies. But I go back now to an earlier occasion, when, true to his native impulses, he threw into this discussion, "for a charm of powerful trouble," personalities most discreditable to this body. I will not stop to repel the imputations which he cast upon myself; but I mention them to remind you of the "sweltered venom sleeping got," which, with other poisoned ingredients, he cast into the caldron

of this debate. Of other things I speak. Standing on this floor, the Senator issued his rescript, requiring submission to the Usurped Power of Kansas; and this was accompanied by a manner—all his own—such as befits the tyrannical threat. Very well. Let the Senator try. I tell him now that he cannot enforce any such submission. The Senator, with the slave power at his back, is strong; but he is not strong enough for this purpose. He is bold. He shrinks from nothing. Like Danton, he may cry, "*l'audace! l'audace! toujours l'audace!*" but even his audacity cannot compass this work. The Senator copies the British officer who, with boastful swagger, said that with the hilt of his sword he would cram the "stamps" down the throats of the American people, and he will meet a similar failure. He may convulse this country with a civil feud. Like the ancient madman, he may set fire to this Temple of Constitutional Liberty, grander than the Ephesian dome; but he cannot enforce obedience to that Tyrannical Usurpation.

The Senator dreams that he can subdue the North. He disclaims the open threat, but his conduct still implies it. How little that Senator knows himself or the strength of the cause

which he persecutes! He is but a mortal man; against him is an immortal principle. With finite power he wrestles with the infinite, and he must fall. Against him are stronger battalions than any marshalled by mortal arm—the inborn, ineradicable, invincible sentiments of the human heart; against him is nature in all her subtle forces; against him is God. Let him try to subdue these. * * *

With regret, I come again upon the Senator from South Carolina (Mr. Butler), who, omnipresent in this debate, overflowed with rage at the simple suggestion that Kansas had applied for admission as a State; and, with incoherent phrases, discharged the loose expectoration of his speech, now upon her representative, and then upon her people. There was no extravagance of the ancient parliamentary debate, which he did not repeat; nor was there any possible deviation from truth which he did not make, with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration. But the Senator touches nothing which he does not disfigure—with error, sometimes of principle, sometimes of fact. He shows an incapacity of accuracy, whether in stating the Constitution, or in stating the law,

whether in the details of statistics or the diversions of scholarship. He cannot ope his mouth, but out there flies a blunder. Surely he ought to be familiar with the life of Franklin; and yet he referred to this household character, while acting as agent of our fathers in England, as above suspicion; and this was done that he might give point to a false contrast with the agent of Kansas—not knowing that, however they may differ in genius and fame, in this experience they are alike: that Franklin, when entrusted with the petition of Massachusetts Bay, was assaulted by a foul-mouthed speaker, where he could not be heard in defence, and denounced as a "thief," even as the agent of Kansas has been assaulted on this floor, and denounced as a "forger." And let not the vanity of the Senator be inspired by the parallel with the British statesman of that day; for it is only in hostility to Freedom that any parallel can be recognized.

But it is against the people of Kansas that the sensibilities of the Senator are particularly aroused. Coming, as he announces, "from a State"—ay, sir, from South Carolina—he turns with lordly disgust from this newly-formed community, which he will not recognize even

as a "body politic." Pray, sir, by what title does he indulge in this egotism? Has he read the history of "the State" which he represents? He cannot surely have forgotten its shameful imbecility from Slavery, confessed throughout the Revolution, followed by its more shameful assumptions for Slavery since. He cannot have forgotten its wretched persistence in the slave-trade as the very apple of its eye, and the condition of its participation in the Union. He cannot have forgotten its constitution, which is Republican only in name, confirming power in the hands of the few, and founding the qualifications of its legislators on "a settled freehold estate and ten negroes." And yet the Senator, to whom that "State" has in part committed the guardianship of its good name, instead of moving, with backward treading steps, to cover its nakedness, rushes forward in the very ecstasy of madness, to expose it by provoking a comparison with Kansas. South Carolina is old; Kansas is young. South Carolina counts by centuries; where Kansas counts by years. But a beneficent example may be born in a day; and I venture to say, that against the two centuries of the older "State," may be already set the two years of trial, evolving correspond-

ing virtue, in the younger community. In the one, is the long wail of Slavery; in the other, the hymns of Freedom. And if we glance at special achievements, it will be difficult to find any thing in the history of South Carolina which presents so much of heroic spirit in an heroic cause as appears in that repulse of the Missouri invaders by the beleaguered town of Lawrence, where even the women gave their effective efforts to Freedom. The matrons of Rome, who poured their jewels into the treasury for the public defence—the wives of Prussia, who, with delicate fingers, clothed their defenders against French invasion—the mothers of our own Revolution, who sent forth their sons, covered with prayers and blessings, to combat for human rights, did nothing of self-sacrifice truer than did these women on this occasion. Were the whole history of South Carolina blotted out of existence, from its very beginning down to the day of the last election of the Senator to his present seat on this floor, civilization might lose—I do not say how little; but surely less than it has already gained by the example of Kansas, in its valiant struggle against oppression, and in the development of a new science of emigration. Already, in Law-

rence alone, there are newspapers and schools, including a High School, and throughout this infant Territory there is more mature scholarship far, in proportion to its inhabitants, than in all South Carolina. Ah, sir, I tell the Senator that Kansas, welcomed as a free State, will be a "ministering angel" to the Republic, when South Carolina, in the cloak of darkness which she hugs, "lies howling."

The Senator from Illinois (Mr. Douglas) naturally joins the Senator from South Carolina in this warfare, and gives to it the superior intensity of his nature. He thinks that the National Government has not completely proved its power, as it has never hanged a traitor; but, if the occasion requires, he hopes there will be no hesitation; and this threat is directed at Kansas, and even at the friends of Kansas throughout the country. Again occurs the parallel with the struggle of our fathers, and I borrow the language of Patrick Henry, when, to the cry from the Senator, of "treason," "treason," I reply, "if this be treason, make the most of it." Sir, it is easy to call names; but I beg to tell the Senator that if the word "traitor" is in any way applicable to those who refuse submission to a Tyrannical

Usurpation, whether in Kansas or elsewhere, then must some new word, of deeper color, be invented, to designate those mad spirits who could endanger and degrade the Republic, while they betray all the cherished sentiments of the fathers and the spirit of the Constitution, in order to give new spread to Slavery. Let the Senator proceed. It will not be the first time in history, that a scaffold erected for punishment has become a pedestal of honor. Out of death comes life, and the "traitor" whom he blindly executes will live immortal in the cause.

"For Humanity sweeps onward; where to-day the martyr stands,
On the morrow crouches Judas, with the silver in his hands;
While the hooting mob of yesterday in silent awe return,
To glean up the scattered ashes into History's golden urn."

Among these hostile Senators, there is yet another, with all the prejudices of the Senator from South Carolina, but without his generous impulses, who, on account of his character before the country, and the rancor of his opposition, deserves to be named. I mean the Senator from Virginia (Mr. Mason), who, as the author of the Fugitive-Slave bill, has associated

himself with a special act of inhumanity and tyranny. Of him I shall say little, for he has said little in this debate, though within that little was compressed the bitterness of a life absorbed in the support of Slavery. He holds the commission of Virginia; but he does not represent that early Virginia, so dear to our hearts, which gave to us the pen of Jefferson, by which the equality of men was declared, and the sword of Washington, by which Independence was secured; but he represents that other Virginia, from which Washington and Jefferson now avert their faces, where human beings are bred as cattle for the shambles, and where a dungeon rewards the pious matron who teaches little children to relieve their bondage by reading the Book of Life. It is proper that such a Senator, representing such a State, should rail against free Kansas.

Senators such as these are the natural enemies of Kansas, and I introduce them with reluctance, simply that the country may understand the character of the hostility which must be overcome. Arrayed with them, of course, are all who unite, under any pretext or apology, in the propagandism of human Slavery. To such, indeed, the time-honored safeguards of

popular rights can be a name only, and nothing more. What are trial by jury, habeas corpus, the ballot-box, the right of petition, the liberty of Kansas, your liberty, sir, or mine, to one who lends himself, not merely to the support at home, but to the propagandism abroad, of that preposterous wrong, which denies even the right of a man to himself! Such a cause can be maintained only by a practical subversion of all rights. It is, therefore, merely according to reason that its partisans should uphold the Usurpation in Kansas.

To overthrow this Usurpation is now the special, importunate duty of Congress, admitting of no hesitation or postponement. To this end it must lift itself from the cabals of candidates, the machinations of party, and the low level of vulgar strife. It must turn from that Slave Oligarchy which now controls the Republic, and refuse to be its tool. Let its power be stretched forth toward this distant Territory, not to bind, but to unbind; not for the oppression of the weak, but for the subversion of the tyrannical; not for the prop and maintenance of a revolting Usurpation, but for the confirmation of Liberty.

"These are imperial arts and worthy thee!"

Let it now take its stand between the living and dead, and cause this plague to be stayed. All this it can do; and if the interests of Slavery did not oppose, all this it would do at once, in reverent regard for justice, law, and order, driving away all the alarms of war; nor would it dare to brave the shame and punishment of this great refusal. But the slave power dares any thing; and it can be conquered only by the united masses of the people. From Congress to the People I appeal. * * *

The contest, which, beginning in Kansas, has reached us, will soon be transferred from Congress to a broader stage, where every citizen will be not only spectator, but actor; and to their judgment I confidently appeal. To the People, now on the eve of exercising the electoral franchise, in choosing a Chief Magistrate of the Republic, I appeal, to vindicate the electoral franchise in Kansas. Let the ballot-box of the Union, with multitudinous might, protect the ballot-box in that Territory. Let the voters everywhere, while rejoicing in their own rights, help to guard the equal rights of distant fellow-citizens; that the shrines of popular institutions, now desecrated, may be sanctified anew; that the ballot-box, now plundered, may

be restored; and that the cry, "I am an American citizen," may not be sent forth in vain against outrage of every kind. In just regard for free labor in that Territory, which it is sought to blast by unwelcome association with slave labor; in Christian sympathy with the slave, whom it is proposed to task and sell there; in stern condemnation of the crime which has been consummated on that beautiful soil; in rescue of fellow-citizens now subjugated to a Tyrannical Usurpation; in dutiful respect for the early fathers, whose aspirations are now ignobly thwarted; in the name of the Constitution, which has been outraged—of the laws trampled down—of Justice banished—of Humanity degraded—of Peace destroyed—of Freedom crushed to earth; and, in the name of the Heavenly Father, whose service is perfect Freedom, I make this last appeal.

May 20, 1856.

MR. DOUGLAS:—I shall not detain the Senate by a detailed reply to the speech of the Senator from Massachusetts. Indeed, I should not deem it necessary to say one word, but for the personalities in which he has indulged, evincing a depth of malignity that issued from every sentence, making it a matter of self-respect with

me to repel the assaults which have been made.

As to the argument, we have heard it all before. Not a position, not a fact, not an argument has he used, which has not been employed on the same side of the chamber, and replied to by me twice. I shall not follow him, therefore, because it would only be repeating the same answer which I have twice before given to each of his positions. He seems to get up a speech as in Yankee land they get up a bedquilt. They take all the old calico dresses of various colors, that have been in the house from the days of their grandmothers, and invite the young ladies of the neighborhood in the afternoon, and the young men to meet them at a dance in the evening. They cut up these pieces of old dresses and make pretty figures, and boast of what beautiful ornamental work they have made, although there was not a new piece of material in the whole quilt. Thus it is with the speech which we have had rehashed here to-day, in regard to matters of fact, matters of law, and matters of argument—every thing but the personal assaults and the malignity. * * *

His endeavor seems to be an attempt to whistle to keep up his courage by defiant as-

saults upon us all. I am in doubt as to what can be his object. He has not hesitated to charge three fourths of the Senate with fraud, with swindling, with crime, with infamy, at least one hundred times over in his speech. Is it his object to provoke some of us to kick him as we would a dog in the street, that he may get sympathy upon the just chastisement? What is the object of this denunciation against the body of which we are members? A hundred times he has called the Nebraska bill a "swindle," an act of crime, an act of infamy, and each time went on to illustrate the complicity of each man who voted for it in perpetrating the crime. He has brought it home as a personal charge to those who passed the Nebraska bill, that they were guilty of a crime which deserved the just indignation of heaven, and should make them infamous among men.

Who are the Senators thus arraigned? He does me the honor to make me the chief. It was my good luck to have such a position in this body as to enable me to be the author of a great, wise measure, which the Senate has approved, and the country will endorse. That measure was sustained by about three fourths of all the members of the Senate. It was sus-

tained by a majority of the Democrats and a majority of the Whigs in this body. It was sustained by a majority of Senators from the slave-holding States, and a majority of Senators from the free States. The Senator, by his charge of crime, then, stultifies three fourths of the whole body, a majority of the North, nearly the whole South, a majority of Whigs, and a majority of Democrats here. He says they are infamous. If he so believed, who could suppose that he would ever show his face among such a body of men? How dare he approach one of those gentlemen to give him his hand after that act? If he felt the courtesies between men he would not do it. He would deserve to have himself spit in the face for doing so. * * *

The attack of the Senator from Massachusetts now is not on me alone. Even the courteous and the accomplished Senator from South Carolina (Mr. Butler) could not be passed by in his absence.

MR. MASON:—Advantage was taken of it.

MR. DOUGLAS:—It is suggested that advantage is taken of his absence. I think that this is a mistake. I think the speech was written and practised, and the gestures fixed; and, if that

part had been stricken out the Senator would not have known how to repeat the speech. All that tirade of abuse must be brought down on the head of the venerable, the courteous, and the distinguished Senator from South Carolina. I shall not defend that gentleman here. Every Senator who knows him loves him. The Senator from Massachusetts may take every charge made against him in his speech, and may verify by his oath, and by the oath of every one of his confederates, and there is not an honest man in this chamber who will not repel it as a slander. Your oaths cannot make a Senator feel that it was not an outrage to assail that honorable gentleman in the terms in which he has been attacked. He, however, will be here in due time to speak for himself, and to act for himself too. I know what will happen. The Senator from Massachusetts will go to him, whisper a secret apology in his ear, and ask him to accept that as satisfaction for a public outrage on his character! I know the Senator from Massachusetts is in the habit of doing those things. I have had some experience of his skill in that respect. * * *

Why these attacks on individuals by name, and two thirds of the Senate collectively? Is it

the object to drive men here to dissolve social relations with political opponents? Is it to turn the Senate into a bear garden, where Senators cannot associate on terms which ought to prevail between gentlemen? These attacks are heaped upon me by man after man. When I repel them, it is intimated that I show some feeling on the subject. Sir, God grant that when I denounce an act of infamy I shall do it with feeling, and do it under the sudden impulses of feeling, instead of sitting up at night writing out my denunciation of a man whom I hate, copying it, having it printed, punctuating the proof-sheets, and repeating it before the glass, in order to give refinement to insult, which is only pardonable when it is the outburst of a just indignation.

Mr. President, I shall not occupy the time of the Senate. I dislike to be forced to repel these attacks upon myself, which seem to be repeated on every occasion. It appears that gentlemen on the other side of the chamber think they would not be doing justice to their cause if they did not make myself a personal object of bitter denunciation and malignity. I hope that the debate on this bill may be brought to a close at as early a day as possible. I shall do no more

in these side discussions than vindicate myself and repel unjust attacks, but I shall ask the Senate to permit me to close the debate, when it shall close, in a calm, kind summary of the whole question, avoiding personalities.

MR. SUMNER:—Mr. President, To the Senator from Illinois, I should willingly leave the privilege of the common scold—the last word; but I will not leave to him, in any discussion with me, the last argument, or the last semblance of it. He has crowned the audacity of this debate by venturing to rise here and calumniate me. He said that I came here, took an oath to support the Constitution, and yet determined not to support a particular clause in that Constitution. To that statement I give, to his face, the flattest denial. When it was made on a former occasion on this floor by the absent Senator from South Carolina (Mr. Butler), I then repelled it. I will read from the debate of the 28th of June, 1854, as published in the *Globe*, to show what I said in response to that calumny when pressed at that hour. Here is what I said to the Senator from South Carolina:

"This Senator was disturbed, when to his inquiry, personally, pointedly, and vehemently addressed to me, whether I would join in return-

ing a fellow-man to slavery? I exclaimed, 'Is thy servant a dog, that he should do this thing?'"

You will observe that the inquiry of the Senator from South Carolina, was whether I would join in returning a fellow-man to slavery. It was not whether I would support any clause of the Constitution of the United States—far from that. * * *

Sir, this is the Senate of the United States, an important body, under the Constitution, with great powers. Its members are justly supposed, from age, to be above the intemperance of youth, and from character to be above the gusts of vulgarity. They are supposed to have something of wisdom, and something of that candor which is the handmaid of wisdom. Let the Senator bear these things in mind, and let him remember hereafter that the bowie-knife and bludgeon are not the proper emblems of Senatorial debate. Let him remember that the swagger of Bob Acres and the ferocity of the Malay cannot add dignity to this body. The Senator has gone on to infuse into his speech the venom which has been sweltering for months—ay, for years; and he has alleged facts that are entirely without founda-

tion, in order to heap upon me some personal obloquy. I will not go into the details which have flowed out so naturally from his tongue. I only brand them to his face as false. I say, also, to that Senator, and I wish him to bear it in mind, that no person with the upright form of man can be allowed—(Hesitation.)

MR. DOUGLAS:—Say it.

MR. SUMNER:—I will say it—no person with the upright form of man can be allowed, without violation to all decency, to switch out from his tongue the perpetual stench of offensive personality. Sir, that is not a proper weapon of debate, at least, on this floor. The noisome, squat, and nameless animal, to which I now refer, is not a proper model for an American Senator. Will the Senator from Illinois take notice?

MR. DOUGLAS:—I will; and therefore will not imitate you, sir.

MR. SUMNER:—I did not hear the Senator.

MR. DOUGLAS:—I said if that be the case I would certainly never imitate you in that capacity, recognizing the force of the illustration.

MR. SUMNER:—Mr. President, again the Senator has switched his tongue, and again he fills the Senate with its offensive odor. * * *

MR. DOUGLAS:—I am not going to pursue

this subject further. I will only say that a man who has been branded by me in the Senate, and convicted by the Senate of falsehood, cannot use language requiring a reply, and therefore I have nothing more to say.

PRESTON S. BROOKS,

OF SOUTH CAROLINA.

(BORN 1819, DIED 1857.)

ON THE SUMNER ASSAULT; HOUSE OF REPRESENTATIVES, JULY 14, 1856.

MR. SPEAKER:

Some time since a Senator from Massachusetts allowed himself, in an elaborately prepared speech, to offer a gross insult to my State, and to a venerable friend, who is my State representative, and who was absent at the time.

Not content with that, he published to the world, and circulated extensively, this uncalled-for libel on my State and my blood. Whatever insults my State insults me. Her history and character have commanded my pious veneration; and in her defence I hope I shall always be prepared, humbly and modestly, to perform the duty of a son. I should have forfeited my own self-respect, and perhaps the good opinion

of my countrymen, if I had failed to resent such an injury by calling the offender in question to a personal account. It was a personal affair, and in taking redress into my own hands I meant no disrespect to the Senate of the United States or to this House. Nor, sir, did I design insult or disrespect to the State of Massachusetts. I was aware of the personal responsibilities I incurred, and was willing to meet them. I knew, too, that I was amenable to the laws of the country, which afford the same protection to all, whether they be members of Congress or private citizens. I did not, and do not now believe, that I could be properly punished, not only in a court of law, but here also, at the pleasure and discretion of the House. I did not then, and do not now, believe that the spirit of American freemen would tolerate slander in high places, and permit a member of Congress to publish and circulate a libel on another, and then call upon either House to protect him against the personal responsibilities which he had thus incurred.

But if I had committed a breach of privilege, it was the privilege of the Senate, and not of this House, which was violated. I was answerable *there*, and not *here*. They had no right,

as it seems to me, to prosecute me in these Halls, nor have you the right in law or under the Constitution, as I respectfully submit, to take jurisdiction over offences committed against them. The Constitution does not justify them in making such a request, nor this House in granting it. If, unhappily, the day should ever come when sectional or party feeling should run so high as to control all other considerations of public duty or justice, how easy it will be to use such precedents for the excuse of arbitrary power, in either House, to expel members of the minority who may have rendered themselves obnoxious to the prevailing spirit in the House to which they belong.

Matters may go smoothly enough when one House asks the other to punish a member who is offensive to a majority of its own body; but how will it be when, upon a pretence of insulted dignity, *demands* are made of this House to expel a member who happens to run counter to its party predilections, or other demands which it may not be so agreeable to grant? It could never have been designed by the Constitution of the United States to expose the two Houses to such temptations to collision, or to extend so far the discretionary power which was given

to either House to punish its own members for the violation of its rules and orders. Discretion has been said to be the law of the tyrant, and when exercised under the color of the law, and under the influence of party dictation, it may and will become a terrible and insufferable despotism.

This House, however, it would seem, from the unmistakable tendency of its proceedings, takes a different view from that which I deliberately entertain in common with many others.

So far as public interests or constitutional rights are involved, I have now exhausted my means of defence. I may, then, be allowed to take a more personal view of the question at issue. The further prosecution of this subject, in the shape it has now assumed, may not only involve my friends, but the House itself, in agitations which might be unhappy in their consequences to the country. If these consequences could be confined to myself individually, I think I am prepared and ready to meet them, here or elsewhere; and when I use this language I mean what I say. But others must not suffer for me. I have felt more on account of my two friends who have been implicated,

than for myself, for they have proven that "there is a friend that sticketh closer than a brother." I will not constrain gentlemen to assume a responsibility on my account, which possibly they would not run on their own.

Sir, I cannot, on *my own account*, assume the responsibility, in the face of the American people, of commencing a line of conduct which in my heart of hearts I believe would result in subverting the foundations of this Government, and in drenching this Hall in blood. No act of mine, on my personal account, shall inaugurate revolution; but when you, Mr. Speaker, return to your own home, and hear the people of the great North—and they are a great people—speak of me as a bad man, you will do me the justice to say that a blow struck by me at this time would be followed by revolution—and this I know. (Applause and hisses in the gallery.)

Mr. Brooks (resuming):—If I desired to kill the Senator, why did not I do it? You all admit that I had him in my power. Let me tell the member from New Jersey that it was expressly to avoid taking life that I used an ordinary cane, presented to me by a friend in Baltimore, nearly three months before its appli-

cation to the "bare head" of the Massachusetts Senator. I went to work very deliberately, as I am charged—and this is admitted,—and speculated somewhat as to whether I should employ a horsewhip or a cowhide; but knowing that the Senator was my superior in strength, it occurred to me that he might wrest it from my hand, and then—for I never attempt any thing I do not perform—I might have been compelled to do that which I would have regretted the balance of my natural life.

The question has been asked in certain newspapers, why I did not invite the Senator to personal combat in the mode usually adopted. Well, sir, as I desire the whole truth to be known about the matter, I will for once notice a newspaper article on the floor of the House, and answer here.

My answer is, that the Senator would not accept a message; and having formed the unalterable determination to punish him, I believed that the offence of "sending a hostile message," superadded to the indictment for assault and battery, would subject me to legal penalties more severe than would be imposed for a simple assault and battery. That is my answer.

Now, Mr. Speaker, I have nearly finished what I intended to say. If my opponents, who have pursued me with unparalleled bitterness, are satisfied with the present condition of this affair, I am. I return my thanks to my friends, and especially to those who are from non-slave-owning States, who have magnanimously sustained me, and felt that it was a higher honor to themselves to be just in their judgment of a gentleman than to be a member of Congress for life. In taking my leave, I feel that it is proper that I should say that I believe that some of the votes that have been cast against me have been extorted by an outside pressure at home, and that their votes do not express the feelings or opinions of the members who gave them.

To such of these as have given their votes and made their speeches on the constitutional principles involved, and without indulging in personal vilification, I owe my respect. But, sir, they have written me down upon the history of the country as worthy of expulsion, and in no unkindness I must tell them that for all future time my self-respect requires that I shall pass them as strangers.

And now, Mr. Speaker, I announce to you

and to this House, that I am no longer a member of the Thirty-Fourth Congress.

(Mr. Brooks then walked out of the House of Representatives.)

ANSON BURLINGAME,

OF MASSACHUSETTS.

(BORN 1822, DIED 1873.)

IN DEFENCE OF MASSACHUSETTS; HOUSE OF REPRESENTATIVES, JUNE 21, 1856.

MR. CHAIRMAN:

The House will bear me witness that I have not pressed myself upon its deliberations. I never before asked its indulgence. I have assailed no man; nor have I sought to bring reproach upon any man's State. But, while such has been my course, as well as the course of my colleagues from Massachusetts, upon this floor, certain members have seen fit to assail the State which we represent, not only with words, but with blows.

In remembrance of these things, and seizing the first opportunity which has presented itself for a long time, I stand here to-day to say a word for old Massachusetts—not that she needs

it; no, sir; for in all that constitutes true greatness—in all that gives abiding strength—in great qualities of head and of heart—in moral power—in material prosperity—in intellectual resources and physical ability—by the general judgment of mankind, according to her population, she is the first State. There does not live the man anywhere, who knows any thing, to whom praise of Massachusetts would not be needless. She is as far beyond that as she is beyond censure. Members here may sneer at her expense—they may praise her past at the expense of her present; but I say, with a full conviction of its truth, that Massachusetts, in her present performances, is even greater than in her past recollections. And when I have said this, what more can I say?

Sir, although I am here as her youngest and humblest member, yet, as her Representative, I feel that I am the peer of any man upon this floor. Occupying that high stand-point, with modesty, but with firmness, I cast down her glove to the whole band of her assailants.

She has been assailed in the House and out of the House, at the other end of the Capitol and at the other end of the avenue. There have been brought against her general charges

and specific charges. I am sorry to find at the head of her assailants the President of the United States, who not only assails Massachusetts but the whole North. * * *

But, Mr. Chairman, all these assaults upon the State of Massachusetts sink into insignificance, compared with the one I am about to mention. On the 19th of May, it was announced that Mr. SUMNER would address the Senate upon the Kansas question. The floor of the Senate, the galleries, and avenues leading thereto, were thronged with an expectant audience; and many of us left our places in this House to hear the Massachusetts orator. To say that we were delighted with the speech we heard, would but faintly express the deep emotions of our hearts awakened by it. I need not speak of the classic purity of its language, nor of the nobility of its sentiments. It was heard by many; it has been read by millions. There has been no such speech made in the Senate since the days when those Titans of American eloquence—the Websters and the Haynes—contended with each other for mastery.

It was severe, because it was launched against tyranny. It was severe as Chatham was severe

when he defended the feeble colonies against the giant oppression of the mother country. It was made in the face of a hostile Senate. It continued through the greater portion of two days; and yet, during that time, the speaker was not once called to order. This fact is conclusive as to the personal and parliamentary decorum of the speech. He had provocation enough. His State had been called hypocritical. He himself had been called "a puppy," "a fool," "a fanatic," and "a dishonest man." Yet he was parliamentary from the beginning to the end of his speech. No man knew better than he did the proprieties of the place, for he had always observed them. No man knew better than he did parliamentary law, because he had made it the study of his life. No man saw more clearly than he did the flaming sword of the Constitution, turning every way, guarding all the avenues of the Senate. But he was not thinking of these things; he was not thinking then of the privileges of the Senate nor of the guaranties of the Constitution; he was there to denounce tyranny and crime, and he did it. He was there to speak for the rights of an empire, and he did it, bravely and grandly.

So much for the occasion of the speech. A

word, and I shall be pardoned, about the speaker himself. He is my friend; for many and many a year I have looked to him for guidance and light, and I never looked in vain. He never had a personal enemy in his life; his character is as pure as the snow that falls on his native hills; his heart overflows with kindness for every being having the upright form of man; he is a ripe scholar, a chivalric gentleman, and a warm-hearted, true friend. He sat at the feet of Channing, and drank in the sentiments of that noble soul. He bathed in the learning and undying love of the great jurist Story; and the hand of Jackson, with its honors and its offices, sought him early in life, but he shrank from them with instinctive modesty. Sir, he is the pride of Massachusetts. His mother commonwealth found him adorning the highest walks of literature and law, and she bade him go and grace somewhat the rough character of political life. The people of Massachusetts—the old and the young and the middle-aged, now pay their full homage to the beauty of his public and private character. Such is CHARLES SUMNER.

On the 22d day of May, when the Senate and the House had clothed themselves in mourning for a brother fallen in the battle of life in the

distant State of Missouri, the Senator from Massachusetts sat in the silence of the Senate chamber, engaged in the employments pertaining to his office, when a member from this House, who had taken an oath to sustain the Constitution, stole into the Senate, that place which had hitherto been held sacred against violence, and smote him as Cain smote his brother.

MR. KEITT (in his seat):—That is false.

MR. BURLINGAME:—I will not bandy epithets with the gentleman. I am responsible for my own language. Doubtless he is responsible for his.

MR. KEITT:—I am.

MR. BURLINGAME:—I shall stand by mine. One blow was enough; but it did not satiate the wrath of that spirit which had pursued him through two days. Again and again, quicker and faster fell the leaden blows, until he was torn away from his victim, when the Senator from Massachusetts fell in the arms of his friends, and his blood ran down on the Senate floor. Sir, the act was brief, and my comments on it shall be brief also. I denounce it in the name of the Constitution it violated. I denounce it in the name of the sovereignty of

Massachusetts, which was stricken down by the blow. I denounce it in the name of humanity. I denounce it in the name of civilization which it outraged. I denounce it in the name of that fair-play which bullies and prize-fighters respect. What! strike a man when he is pinioned—when he cannot respond to a blow? Call you that chivalry? In what code of honor did you get your authority for that? I do not believe that member has a friend so dear who must not, in his heart of hearts, condemn the act. Even the member himself, if he has left a spark of that chivalry and gallantry attributed to him, must loathe and scorn the act. God knows I do not wish to speak unkindly, or in a spirit of revenge; but I owe it to my manhood and the noble State I, in part, represent, to express my abhorrence of the act. But much as I reprobate the act, much more do I reprobate the conduct of those who were by, and saw the outrage perpetrated. Sir, especially do I notice the conduct of that Senator recently from the free platform of Massachusetts, with the odor of her hospitality on him, who stood there, not only silent and quiet while it was going on, but, when it was over, approved the act. And worse; when he had time to cool, when he had slept

on it, he went into the Senate chamber of the United States, and shocked the sensibilities of the world by approving it. Another Senator did not take part because he feared that his motives might be questioned, exhibiting as extraordinary a delicacy as that individual who refused to rescue a drowning mortal because he had not been introduced to him. Another was not on good terms; and yet, if rumor be true, that Senator has declared that himself and family are more indebted to Mr. Sumner than to any other man; yet, when he saw him borne bleeding by, he turned and went on the other side. Oh, magnanimous SLIDELL! Oh, prudent DOUGLAS! Oh, audacious TOOMBS!

Sir, there are questions arising out of this which far transcend those of a mere personal nature. Of those personal considerations I shall speak, when the question comes properly before us, if I am permitted to do so. The higher question involves the very existence of the Government itself. If, sir, freedom of speech is not to remain to us, what is all this Government worth? If we from Massachusetts, or any other State—Senators, or members of the House—are to be called to account by some "gallant nephew" of some "gallant

uncle," when we utter something which does not suit their sensitive natures, we desire to know it. If the conflict is to be transferred from this peaceful, intellectual field to one where, it is said, "honors are easy and responsibilities equal," then we desire to know it. Massachusetts, if her sons and representatives are to have the rod held over them, if these things are to continue, the time may come—though she utters no threats—when she may be called upon to withdraw them to her own bosom, where she can furnish to them that protection which is not vouchsafed to them under the flag of their common country. But, while she permits us to remain, we shall do our duty—our whole duty. We shall speak whatever we choose to speak, when we will, where we will, and how we will, regardless of all consequences.

Sir, the sons of Massachusetts are educated at the knees of their mothers, in the doctrines of peace and good-will, and, God knows, they desire to cultivate those feelings—feelings of social kindness, and public kindness. The House will bear witness that we have not violated or trespassed upon any of them; but, sir, if we are pushed too long and too far, there are men

from the old commonwealth of Massachusetts who will not shrink from a defence of freedom of speech, and the honored State they represent, on any field where they may be assailed.

THOMAS L. CLINGMAN,

OF NORTH CAROLINA.

(BORN 1813.)

ON "DEBATES" IN CONGRESS; HOUSE OF REPRESENTATIVES, JULY 9, 1856.

MR. SPEAKER:

If on the present occasion any gentleman desires to get into difficulty, and is gratified in his wishes, I hope we shall not have a great howl in any part of the country over it. I hope that it will be looked upon as a mere personal matter for the gratification of the gentlemen who engage in it. And as I am a peaceable man, and never like to get into difficulties, so I do not take much pains to get out of their way; and as, during this hot weather, I feel very languid and indisposed to exertion, I shall not take especial pains to get out of the way of anybody who may be in search of such a thing. While I do not intend to utter any thing to offend any gentleman who does not want to be of-

fended, still, if any one upon this floor—I limit the remarks to members of the House, not extending it to outsiders at all—wants a difficulty with me on this subject, I am perfectly willing for him to take it for granted that I have insulted him, and am responsible in any manner that he desires; but if he does not desire it, then not for the world would I offend him. But if this is to be a matter of mere abuse and vituperation, I wash my hands of it; I do not intend to embark in any thing of that kind. I regard fighting as objectionable in many respects, but quarrelling and denunciation are vastly more intolerable. When the British made war on China, the Chinese went into the field armed with gongs, and made a terrible noise, to induce the English, doubtless, to leave their territory. So if this is to be a mere Chinese gong business—an effort, in other words, to see who can make the loudest and most disagreeable noise, I will keep clear of it, and, if necessary, put my fingers in my ears to escape its annoyance.

And now let me call the attention of the House to the case under consideration. As I have already said, it is one which has produced a very great and remarkable excitement in the country. This, Mr. Speaker, may well be a

matter of surprise to me; for though I have not been here a great many years as a member, yet about a dozen collisions on the floors of the two Houses have occurred in my time, and they were much stronger cases than this, because they took place while the Houses were in session. Why, I recollect that, during my first Congress, Mr. White of Kentucky and Mr. Rathbun of New York had a set-to just near where I now stand, during a period of great excitement, and when politics ran very high, with reference to a personally offensive charge against Mr. Clay; but the House never adopted any proceedings against those members, and it made no noise in the country. I recollect, too, that, in the next Congress, a gentleman from Georgia and another from Tennessee had a struggle over on the other side of the chamber, and several large desks were overturned, and the gentlemen apologized for disturbing our deliberations; but the House did not raise any committee, or censure them in any wise. Also, toward the close of that session, whilst the House was in session, at a late hour in the night, during a sort of triangular fight, a gentleman from Alabama struck a gentleman from the Northwest over the head with a cane, and cut it so that it bled

very freely; but this did not cause the raising of any committee, or any other proceeding against the parties. I remember, too, going into the Senate that night, near one or two o'clock—and I must say here, that these disturbances occur more frequently during the last night of the session, when gentlemen, having been up for two or three days and nights successively, have gotten sleepy, and those who are in the habit of drinking spirits, drink a little from patriotic motives, just to keep awake, so as to be able to attend to the public business.

But, as I was saying, I went into the Senate chamber that night, and a Senator asked me what we had been doing in the House? I replied that we had just had a little fight there among three of the members. "Why," said he, with an air of exultation, "we have had two in the Senate to-night!" and it was true. It was on that occasion that a Senator from Pennsylvania was standing up making a speech, and a Senator from Mississippi, not liking his speech, went up and struck him in the face, or attempted so to strike him, and they had a regular set-to. The Senate, however, did not raise any committee to take charge of the subject.

During the next Congress two members from

North Carolina had a collision just behind where I am standing, but really no notice was taken of it, except a little knocking on the Speaker's desk, and a request on his part that members would resume their seats and keep order.

A VOICE:—Who where the members?

MR. CLINGMAN:—I do not give the names of the parties in any of these cases, because, if I did, I might have to refer to gentlemen who are now upon the floor, and thereby render it necessary for them to make explanations, and thus divert the attention of the House from the present case.

Sir, I recollect also that during the Congress of 1852, two gentlemen from Mississippi had a fight over the way; they were rather stout gentlemen, and made quite a "muss," as they say in New York, but nobody talked then of raising a committee. Why, even during the last Congress, I think we had two difficulties of this sort. A gentleman from Maine had a fight with some gentleman from the West, but it all ended without any action, or even notice, on the part of the House. On another occasion two gentlemen from Tennessee had a violent altercation, and one of them jumped over sev-

eral desks, and the other pulled out a pistol, or, at any rate a pistol fell upon the floor near him; but no steps were taken against them. And it is a little remarkable that the gentleman who jumped over the desks was a candidate for an office in this House at the beginning of this session, and was elected on the first ballot by a very large vote. If you look at that vote, I expect you will find that every single gentleman who voted for the raising of this committee actually voted for him. Now, that shows you what was thought of assaults and batteries here on the floor. There is no doubt that this was an interruption of the business of the House—that it was a breach of privilege; and yet a large majority of the present House, including all those, I think, who sustain the action against Mr. Brooks, attached so little weight to it, that, when they had the whole United States to pick from, they selected that very gentleman to make a Clerk of the House of.

There have also been several duels, without anybody being punished for them. It is true that, when the Cilley duel occurred, owing to the fact that there was a great deal of political excitement at the time, and that it was supposed that Mr. Clay was connected with it, and

some capital could be made against him and his party, the House did get up a committee, and had debates; but the matter was laid on the table, and instead, a very foolish law was passed on the subject of duelling. During the first Congress that I was here, a duel occurred between a member from Alabama and a member from North Carolina. A member from New York (Preston King) did then introduce a resolution; but, after a little debate, the House rejected it by laying it on the table. The last duel occurred in 1851, between a gentleman from Alabama and one from my own State, and the House took no notice of it at all.

Then, as to outside difficulties, such as this one which the gentleman from Ohio has now brought before us in the present case, we have had almost innumerable cases of them. During the Congress before the last, while the House was in session, and just by the door of the post-office, a member from New York beat the Postmaster-General, or some other member of the Cabinet, and nobody took any notice of it. Why, there was a man shot in the door of this hall some years ago, while there was a fight going on between two members in the House, but no one was punished for it. A friend

V.

THE ANTI-SLAVERY STRUGGLE.

(CONTINUED FROM VOLUME II.)

ABRAHAM LINCOLN,

OF ILLINOIS.

(BORN 1809, DIED 1865.)

ON HIS NOMINATION TO THE UNITED STATES SENATE, AT THE REPUBLICAN STATE CONVENTION, SPRINGFIELD, ILLS., JUNE 17, 1858.

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION:

If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object, and confident promise, of putting an end to slavery agitation. Under the operation of that policy, that agitation not only has not ceased, but has constantly augmented. In my opinion, it will not cease until a crisis shall have been reached and passed. "A house divided against itself cannot stand." I believe this Government cannot endure permanently half slave and half free. I do not ex-

pect the Union to be dissolvéd ; I do not expect the house to fall ; but I do expect that it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction ; or its advocates will push it forward till it shall become alike lawful in all the States, old and new, North as well as South. Have we no tendency to the latter condition? Let any one who doubts carefully contemplate that now almost complete legal combination-piece of machinery, so to speak—compounded of the Nebraska doctrine and the Dred Scott decision. Let him consider not only what work the machinery is adapted to do, and how well adapted, but also let him study the history of its construction, and trace, if he can, or rather fail, if he can, to trace the evidences of design and concert of action among its chief architects from the beginning.

The new year of 1854 found slavery excluded from more than half the States by State constitutions, and from most of the national territory by Congressional prohibition. Four days later commenced the struggle which ended in

A. Lincoln

repealing that Congressional prohibition. This opened all the national territory to slavery, and was the first point gained. But, so far, Congress only had acted, and an indorsement, by the people, real or apparent, was indispensable, to save the point already gained and give chance for more. This necessity had not been overlooked, but had been provided for, as well as might be, in the notable argument of "squatter sovereignty," otherwise called "sacred right of self-government";—which latter phrase though expressive of the only rightful basis of any government, was so perverted in this attempted use of it as to amount to just this: That, if any *one* man choose to enslave *another*, no *third* man shall be allowed to object. That argument was incorporated with the Nebraska bill itself, in the language which follows: "It being the true intent and meaning of this act, not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." Then opened the roar of loose declamation in favor of "squatter sovereignty," and "sacred right of self-govern-

ment." "But," said opposition members, "let us amend the bill so as to expressly declare that the people of the Territory *may* exclude slavery." "Not we," said the friends of the measure; and down they voted the amendment.

While the Nebraska bill was passing through Congress, a *law-case*, involving the question of a negro's freedom, by reason of his owner having voluntarily taken him first into a free State, and then into a Territory covered by the Congressional prohibition, and held him as a slave for a long time in each, was passing through the United States Circuit Court for the District of Missouri; and both Nebraska bill and lawsuit were brought to a decision in the same month of May, 1854. The negro's name was Dred Scott, which name now designates the decision finally made in the case. Before the then next Presidential election, the law-case came to, and was argued in, the Supreme Court of the United States; but the decision of it was deferred until after the election. Still, before the election, Senator Trumbull, on the floor of the Senate, requested the leading advocate of the Nebraska bill to state his *opinion* whether the people of a Territory can constitutionally exclude slavery

from their limits; and the latter answers: "That is a question for the Supreme Court."

The election came, Mr. Buchanan was elected, and the indorsement, such as it was, secured. That was the second point gained. * * * The Supreme Court met again, did not announce their decision, but ordered a re-argument. The Presidential inauguration came, and still no decision of the court; but the incoming President, in his inaugural address, fervently exhorted the people to abide by the forthcoming decision, whatever it might be. Then, in a few days, came the decision. The reputed author of the Nebraska bill finds an early occasion to make a speech at this capital, indorsing the Dred Scott decision, and vehemently denouncing all opposition to it. The new President, too, seizes the early occasion of the Silliman letter to indorse and strongly construe that decision, and to express his astonishment that any different view had ever been entertained.

At length a squabble springs up between the President and the author of the Nebraska bill, on the mere question of fact, whether the Lecompton constitution was, or was not, in any just sense, made by the people of Kansas; and in that quarrel the latter declares that all he

wants is a fair vote for the people, and that he cares not whether slavery be voted *down* or voted *up*. I do not understand his declaration, that he cares not whether slavery be voted down or voted up, to be intended by him other than as an apt definition of the policy he would impress upon the public mind—the principle for which he declares he has suffered so much, and is ready to suffer to the end. And well may he cling to that principle. If he has any parental feeling, well may he cling to it. That principle is the only shred left of his original Nebraska doctrine. Under the Dred Scott decision, squatter sovereignty squatted out of existence—tumbled down like temporary scaffolding—like the mould at the foundry, served through one blast, and fell back into loose sand,—helped to carry an election, and then was kicked to the winds. * * *

The several points of the Dred Scot decision, in connection with Senator Douglas' "care-not" policy, constitute the piece of machinery in its present state of advancement. This was the third point gained. The working points of that machinery are: (1) That no negro slave, imported as such from Africa, and no descendant of such slave, can ever be a citizen of any

State, in the sense of that term as used in the Constitution of the United States. This point is made in order to deprive the negro, in every possible event, of the benefit of that provision of the United States Constitution, which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." (2) That, "subject to the Constitution of the United States," neither Congress nor a Territorial Legislature can exclude slavery from any United States Territory. This point is made in order that individual men may fill up the Territories with slaves, without danger of losing them as property, and thus to enhance the chances of permanency to the institution through all the future. (3) That whether the holding a negro in actual slavery in a free State makes him free, as against the holder, the United States courts will not decide, but will leave to be decided by the courts of any slave State the negro may be forced into by the master. This point is made, not to be pressed immediately; but, if acquiesced in for a while, and apparently indorsed by the people at an election, then to sustain the logical conclusion that what Dred Scott's master might lawfully do with Dred Scott, in the

State of Illinois, every other master may lawfully do with any other one or one thousand slaves, in Illinois, or in any other free State.

Auxiliary to all this, and working hand in hand with it, the Nebraska doctrine, or what is left of it, is to educate and mould public opinion, at least Northern public opinion, not to care whether slavery is voted down or voted up. This shows exactly where we now are, and partially, also, whither we are tending.

It will throw additional light on the latter to go back, and run the mind over the string of historical facts already stated. Several things will now appear less dark and mysterious than they did when they were transpiring. The people were to be left "perfectly free." "subject only to the Constitution." What the Constitution had to do with it, outsiders could not then see. Plainly enough now, it was an exactly fitted niche for the Dred Scott decision to come in afterward, and declare the perfect freedom of the people to be just no freedom at all. * * * Why was the court decision held up? Why even a Senator's individual opinion withheld till after the Presidential election? Plainly enough now: the speaking out then would have damaged the perfectly free argu-

ment upon which the election was to be carried. Why the outgoing President's felicitation on the indorsement? Why the delay of a re-argument? Why the incoming President's advance exhortation in favor of the decision? These things look like the cautious patting and petting of a spirited horse preparatory to mounting him, when it is dreaded that he may give the rider a fall. * * *

We cannot absolutely know that all these exact adaptations are the result of preconcert. But when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places, and by different workmen—Stephen, Franklin, Roger, and James, for instance,—and when we see these timbers joined together, and see that they exactly make the frame of a house or a mill, all the tenons and mortices exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few—not omitting even scaffolding,—or, if a single piece be lacking, we see the place in the frame exactly fitted and prepared yet to bring such piece in, —in such a case, we find it impossible not to believe that Stephen and Franklin and Roger

and James all understood one another from the beginning, and all worked upon a common plan or draft drawn up before the first blow was struck.

It should not be overlooked that, by the Nebraska bill, the people of a *State*, as well as Territory, were to be left "perfectly free," "subject only to the Constitution." Why mention a State? They were legislating for Territories, and not for or about States. Certainly, the people of a State are and ought to be subject to the Constitution of the United States; but why is mention of this lugged into this merely Territorial law? Why are the people of a Territory and the people of a State therein lumped together, and their relation to the Constitution therein treated as being precisely the same? While the opinion of the court, by Chief-Justice Taney, in the Dred Scott case, and the separate opinions of all the concurring judges, expressly declare that the Constitution of the United States permits neither Congress nor a Territorial Legislature to exclude slavery from any United States Territory, they all omit to declare whether or not the same Constitution permits a State, or the people of a State, to exclude it. *Possibly*, this

is a mere omission. * * * The nearest approach to the point of declaring the power of a State over slavery is made by Judge Nelson. He approaches it more than once, using the precise idea, and almost the language, too, of the Nebraska act. On one occasion, his exact language is: "Except in cases when the power is restrained by the Constitution of the United States, the law of the State is supreme over the subjects of slavery within its jurisdiction." In what cases the power of the States is so restrained by the United States Constitution is left an open question, precisely as the same question, as to the restraint on the power of the Territories, was left open in the Nebraska act. Put this and that together, and we have another nice little niche, which we may, erelong, see filled with another Supreme Court decision, declaring that the Constitution of the United States does not permit a *State* to exclude slavery from its limits. And this may especially be expected if the doctrine of "care not whether slavery be voted down or voted up," shall gain upon the public mind sufficiently to give promise that such a decision can be maintained when made.

Such a decision is all that slavery now lacks of

being alike lawful in all the States. Welcome or unwelcome, such decision is probably coming, and will soon be upon us, unless the power of the present political dynasty, shall be met and overthrown. We shall lie down pleasantly dreaming that the people of Missouri are on the verge of making their State free, and we shall awake to the reality, instead, that the Supreme Court has made Illinois a slave State. To meet and overthrow that dynasty is the work before all those who would prevent that consummation. That is what we have to do. How can we best do it?

There are those who denounce us openly to their own friends, and yet whisper us softly that Senator Douglas is the aptest instrument there is with which to effect that object. They wish us to *infer* all, from the fact that he now has a little quarrel with the present head of the dynasty; and that he has regularly voted with us on a single point, upon which he and we have never differed. They remind us that he is a great man, and that the largest of us are very small ones. Let this be granted. "But a living dog is better than a dead lion." Judge Douglas, if not a dead lion, for this work, is at least a caged and toothless one. How can he

oppose the advances of slavery? He don't care any thing about it. His avowed mission is impressing the "public heart" to care nothing about it. * * * Senator Douglas holds, we know, that a man may rightfully be wiser to-day than he was yesterday—that he may rightfully change when he finds himself wrong. But can we, for that reason, run ahead, and infer that he will make any particular change, of which he himself has given no intimation? Can we safely base our action upon any such vague inference? Now, as ever, I wish not to misrepresent Judge Douglas' position, question his motives, or do aught that can be personally offensive to him. Whenever, if ever, he and we can come together on principle, so that our cause may have assistance from his great ability, I hope to have interposed no adventitious obstacle. But, clearly, he is not now with us—he does not pretend to be, he does not promise ever to be.

Our cause, then, must be entrusted to, and conducted by its own undoubted friends—those whose hands are free, whose hearts are in the work—who *do care* for the result. Two years ago the Republicans of the nation mustered over thirteen hundred thousand strong. We did this under the single impulse of resistance to a

common danger. With every external circumstance against us, of strange, discordant, and even hostile elements, we gathered from the four winds, and formed and fought the battle through, under the constant hot fire of a disciplined, proud, and pampered enemy. Did we brave all then, to falter now?—now, when that same enemy is wavering, dissevered, and belligerent? The result is not doubtful. We shall not fail—if we stand firm, we *shall not fail*. Wise counsels may accelerate, or mistakes delay it; but, sooner or later, the victory is sure to come.

STEPHEN ARNOLD DOUGLAS,

OF ILLINOIS.

(BORN 1813, DIED 1861.)

IN REPLY TO MR. LINCOLN; FREEPORT, ILLS., AUGUST 27, 1858.

LADIES AND GENTLEMEN:

I am glad that at last I have brought Mr. Lincoln to the conclusion that he had better define his position on certain political questions to which I called his attention at Ottawa. * * * In a few moments I will proceed to review the answers which he has given to these interrogatories; but, in order to relieve his anxiety, I will first respond to those which he has presented to me. Mark you, he has not presented interrogatories which have ever received the sanction of the party with which I am acting, and hence he has no other foundation for them than his own curiosity.

First he desires to know, if the people of Kansas shall form a constitution by means en-

tirely proper and unobjectionable, and ask admission as a State, before they have the requisite population for a member of Congress, whether I will vote for that admission. Well, now, I regret exceedingly that he did not answer that interrogatory himself before he put it to me, in order that we might understand, and not be left to infer, on which side he is. Mr. Trumbull, during the last session of Congress, voted from the beginning to the end against the admission of Oregon, although a free State, because she had not the requisite population for a member of Congress. Mr. Trumbull would not consent, under any circumstances, to let a State, free or slave, come into the Union until it had the requisite population. As Mr. Trumbull is in the field fighting for Mr. Lincoln, I would like to have Mr. Lincoln answer his own question and tell me whether he is fighting Trumbull on that issue or not. But I will answer his question. * * * Either Kansas must come in as a free State, with whatever population she may have, or the rule must be applied to all the other Territories alike. I therefore answer at once that, it having been decided that Kansas has people enough for a slave State, I hold that she has enough for a

free State. I hope Mr. Lincoln is satisfied with my answer; and now I would like to get his answer to his own interrogatory—whether or not he will vote to admit Kansas before she has the requisite population. I want to know whether he will vote to admit Oregon before that Territory has the requisite population. Mr. Trumbull will not, and the same reason that commits Mr. Trumbull against the admission of Oregon commits him against Kansas, even if she should apply for admission as a free State. If there is any sincerity, any truth, in the argument of Mr. Trumbull in the Senate against the admission of Oregon, because she had not 93,420 people, although her population was larger than that of Kansas, he stands pledged against the admission of both Oregon and Kansas until they have 93,420 inhabitants. I would like Mr. Lincoln to answer this question. I would like him to take his own medicine. If he differs with Mr. Trumbull, let him answer his argument against the admission of Oregon, instead of poking questions at me.

The next question propounded to me by Mr. Lincoln is, Can the people of the Territory in any lawful way, against the wishes of any citizen of the United States, exclude slavery from

their limits prior to the formation of a State Constitution? I answer emphatically, as Mr. Lincoln has heard me answer a hundred times from every stump in Illinois, that in my opinion the people of a Territory *can*, by lawful means, exclude slavery from their limits prior to the formation of a State Constitution. Mr. Lincoln knew that I had answered that question over and over again. He heard me argue the Nebraska bill on that principle all over the State in 1854, in 1855, and in 1856; and he has no excuse for pretending to be in doubt as to my position on that question. It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a Territory under the Constitution; the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere unless it is supported by local police regulations. Those police regulations can only be established by the local Legislature; and, if the people are opposed to slavery, they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will

favor its extension. Hence, no matter what the decision of the Supreme Court may be on that abstract question, still the right of the people to make a slave Territory or a free Territory is perfect and complete under the Nebraska bill. I hope Mr. Lincoln deems my answer satisfactory on that point.

In this connection, I will notice the charge which he has introduced in relation to Mr. Chase's amendment. I thought that I had chased that amendment out of Mr. Lincoln's brain at Ottawa; but it seems that it still haunts his imagination, and that he is not yet satisfied. I had supposed that he would be ashamed to press that question further. He is a lawyer, and has been a member of Congress, and has occupied his time and amused you by telling you about parliamentary proceedings. He ought to have known better than to try to palm off his miserable impositions upon this intelligent audience. The Nebraska bill provided that the legislative power and authority of the said Territory should extend to all rightful subjects of legislation, consistent with the organic act and the Constitution of the United States. It did not make any exception as to slavery, but gave all the power that it was possible

for Congress to give, without violating the Constitution, to the Territorial Legislature, with no exception or limitation on the subject of slavery at all. The language of that bill, which I have quoted, gave the full power and the fuller authority over the subject of slavery, affirmatively and negatively, to introduce it or exclude it, so far as the Constitution of the United States would permit. What more could Mr. Chase give by his amendment? Nothing! He offered his amendment for the identical purpose for which Mr. Lincoln is using it, to enable demagogues in the country to try and deceive the people. His amendment was to this effect. It provided that the Legislature should have power to exclude slavery; and General Cass suggested: "Why not give the power to introduce as well as to exclude?" The answer was—they have the power already in the bill to do both. Chase was afraid his amendment would be adopted if he put the alternative proposition, and so made it fair both ways, and would not yield. He offered it for the purpose of having it rejected. He offered it, as he has himself avowed over and over again, simply to make capital out of it for the stump. He expected that it would be capital for small politicians in the coun-

try, and that they would make an effort to deceive the people with it; and he was not mistaken, for Lincoln is carrying out the plan admirably. * * *

The third question which Mr. Lincoln presented is—If the Supreme Court of the United States shall decide that a State of this Union cannot exclude slavery from its own limits, will I submit to it? I am amazed that Mr. Lincoln should ask such a question. Mr. Lincoln's object is to cast an imputation upon the Supreme Court. He knows that there never was but one man in America, claiming any degree of intelligence or decency, who ever for a moment pretended such a thing. It is true that the Washington *Union*, in an article published on the 17th of last December, did put forth that doctrine, and I denounced the article on the floor of the Senate. * * * Lincoln's friends, Trumbull, and Seward, and Hale, and Wilson, and the whole Black Republican side of the Senate were silent. They left it to me to denounce it. And what was the reply made to me on that occasion? Mr. Toombs, of Georgia, got up and undertook to lecture me on the ground that I ought not to have deemed the article worthy of notice, and ought not to have replied to it; that there was

not one man, woman, or child south of the Potomac, in any slave State, who did not repudiate any such pretension. Mr. Lincoln knows that reply was made on the spot, and yet now he asks this question! He might as well ask me—Suppose Mr. Lincoln should steal a horse, would I sanction it; and it would be as genteel in me to ask him, in the event he stole a horse, what ought to be done with him. He casts an imputation upon the Supreme Court of the United States, by supposing that they would violate the Constitution of the United States. I tell him that such a thing is not possible. It would be an act of moral treason that no man on the bench could ever descend to. Mr. Lincoln himself would never, in his partisan feelings, so far forget what was right as to be guilty of such an act.

The fourth question of Mr. Lincoln is—Are you in favor of acquiring additional territory in disregard as to how such acquisition may affect the Union on the slavery question? This question is very ingeniously and cunningly put. The Black Republican crowd lays it down expressly that under no circumstances shall we acquire any more territory unless slavery is first prohibited in the country. I ask Mr. Lincoln

whether he is in favor of that proposition? Are you opposed to the acquisition of any more territory, under any circumstances, unless slavery is prohibited in it? That he does not like to answer. When I ask him whether he stands up to that article in the platform of his party, he turns, Yankee fashion, and, without answering it, asks me whether I am in favor of acquiring territory without regard to how it may affect the Union on the slavery question. I answer that, whenever it becomes necessary, in our growth and progress, to acquire more territory, I *am* in favor of it without reference to the question of slavery, and when we have acquired it, I will leave the people free to do as they please, either to make it slave or free territory, as they prefer. It is idle to tell me or you that we have territory enough. * * * With our natural increase, growing with a rapidity unknown in any other part of the globe, with the tide of emigration that is fleeing from despotism in the old world to seek refuge in our own, there is a constant torrent pouring into this country that requires more land, more territory upon which to settle; and just as fast as our interest and our destiny require additional territory in the North, in the South, or in the

islands of the ocean, I am for it, and, when we acquire it, will leave the people, according to the Nebraska bill, free to do as they please on the subject of slavery and every other question.

I trust now that Mr. Lincoln will deem himself answered on his four points. He racked his brain so much in devising these four questions that he exhausted himself, and had not strength enough to invent the others. As soon as he is able to hold a council with his advisers, Lovejoy, Farnsworth, and Fred Douglas, he will frame and propound others ("Good," "good!"). You Black Republicans who say "good," I have no doubt, think that they are all good men. I have reason to recollect that some people in this country think that Fred Douglas is a very good man. The last time I came here to make a speech, while talking from a stand to you, people of Freeport, as I am doing to-day, I saw a carriage, and a magnificent one it was, drive up and take a position on the outside of the crowd; a beautiful young lady was sitting on the box seat, whilst Fred Douglas and her mother reclined inside, and the owner of the carriage acted as driver. I saw this in your own town. ("What of it?") All I have to say of it is this, that if you Black Republicans

think that the negro ought to be on a social equality with your wives and daughters, and ride in a carriage with your wife, whilst you drive the team, you have a perfect right to do so. I am told that one of Fred Douglas' kinsmen, another rich black negro, is now travelling in this part of the State making speeches for his friend Lincoln as the champion of black men. ("What have you to say against it?") All I have to say on that subject is, that those of you who believe that the negro is your equal, and ought to be on an equality with you socially, politically, and legally, have a right to entertain those opinions, and of course will vote for Mr. Lincoln.

JOHN CABELL BRECKENRIDGE.

OF KENTUCKY.

(BORN 1821, DIED 1875.)

ON THE DRED SCOTT DECISION, BEFORE THE KENTUCKY LEGISLATURE, DECEMBER, 1859.

THE election took place on Monday. The day before I received a letter signed by a number of gentlemen in the Legislature asking my opinion in reference to the Dred Scott decision, in reference to Territorial sovereignty and the power of Congress to protect the property of citizens within the Territories. I received that letter with profound respect, and only regret that it did not come to my hands in time, that I might answer it before the election. * * * Gentlemen, I bow to the decision of the Supreme Court of the United States upon every question within its proper jurisdiction, whether it corresponds with my private opinion or not; only, I bow a trifle lower when it happens to do so, as the decision in this Dred Scott case does.

John C. Breckinridge

I approve it in all its parts as a sound exposition of the law and constitutional rights of the States, and citizens that inhabit them.

* * * I was in the Congress of the United States when that Missouri line was repealed. I never would have voted for any bill organizing the Territory of Kansas as long as that odious stigma upon our institutions remained upon the statute book. I voted cheerfully for its repeal, and in doing that I cast no reflection upon the wise patriots who acquiesced in it at the time it was established. It was repealed, and we passed the act known as the Kansas-Nebraska bill. The Abolition, or *quasi* Abolition, party of the United States were constantly contending that it was the right of Congress to prohibit slavery in the common Territories of the Union. The Democratic party, aided by most of the gentlemen from the South, took the opposite view of the case. Our object was, if possible, to withdraw that question from the halls of Congress, and place it where it could no longer risk the public welfare and the public interest. * * * There was a point upon which we could not agree. A considerable portion of the Northern Democracy held that slavery was in derogation of common right, and could only

exist by force of positive law. They contended that the Constitution did not furnish that law, and that the slave-holder could not go into the Territories with his slaves with the Constitution to authorize him in holding his slaves as property, or to protect him. The South generally, without distinction of party, held the opposite view. They held that the citizens of all the States may go with whatever was recognized by the Constitution as property, and enjoy it. That did not seem to be denied to any article of property except slaves. Accordingly, the bill contained the provision that any question in reference to slavery should be referred to the courts of the United States, and the understanding was that, whatever the judicial decision should be, it would be binding upon all parties, not only by virtue of the agreement, but under the obligation of the citizen, to respect the authority of the legally constituted courts of the country. * * * We had confidence in our own view of our rights. Our Northern friends had their views. It was a paradoxical question, and we gave it to the courts.

Well, the courts did decide the very question which had been submitted to them, not upon a case from Kansas, but in another

case. * * * The view that we in the Southern States took of it was sustained—that in the Territories, the common property of the Union, pending their Territorial condition, neither Congress nor the Territorial Government had the power to confiscate any description of property recognized in the States of the Union. The court drew no distinction between slaves and other property. It is true some foreign philanthropists and some foreign writers do undertake to draw this distinction, but these distinctions have nothing to do with our system of government. Our government rests not upon the speculations of philanthropic writers, but upon the plain understanding of a written Constitution which determines it, and upon that alone. It is the result of positive law; therefore we are not to look to the analogy of the supposed law of nations, but to regard the Constitution itself, which is the written expression of the respective powers of the Government and the rights of the States.

Well, that being the case, and it having been authoritatively determined by the very tribunal to which it was referred, that Congress had no power to exclude slavery from the Territories, and judicially determined that the Territorial

Legislatures, authorities created by Congress, had not the power to exclude or confiscate slave property, I confess that I had not anticipated that the doctrine of "unfriendly legislation" would be set up. Hence I need not say to you that I do not believe in the doctrine of unfriendly legislation; that I do not believe in the authority of the Territorial Legislatures to do by indirection what they cannot do directly. I repose upon the decision of the Supreme Court of the United States, as to the point that neither Congress nor the Territorial Legislature has the right to obstruct or confiscate the property of any citizen, slaves included, pending the Territorial condition. I do not see any escape from that decision, if you admit that the question was a judicial one; if you admit the decision of the Supreme Court; and if you stand by the decision of the highest court of the country. The Supreme Court seems to have recognized it as the duty—*as the duty*—of the courts of this Union in their proper sphere to execute this constitutional right, thus adjudicated by the Supreme Court, in the following language: * * * "The judicial department is also bound * * * to maintain in the Territory * * * the political rights and rights

of property of individual citizens as secured by the Constitution." So that, in regard to slave property, as in regard to any other property recognized and guarded by the Constitution, it is the duty, according to the Supreme Court, of all the courts of the country to protect and guard it by their decisions, whenever the question is brought before them. To which I will only add this—that the judicial decisions in our favor must be maintained—these judicial decisions in our favor must be sustained.

WM. H. SEWARD,

OF NEW YORK.

(BORN 1801, DIED 1872.)

ON THE IRREPRESSIBLE CONFLICT; ROCHESTER, OCTOBER 25, 1858.

THE unmistakable outbreaks of zeal which occur all around me, show that you are earnest men—and such a man am I. Let us therefore, at least for a time, pass all secondary and collateral questions, whether of a personal or of a general nature, and consider the main subject of the present canvass. The Democratic party, or, to speak more accurately, the party which wears that attractive name—is in possession of the Federal Government. The Republicans propose to dislodge that party, and dismiss it from its high trust.

The main subject, then, is, whether the Democratic party deserves to retain the confidence of the American people. In attempting to prove it unworthy, I think that I am not actu-

ated by prejudices against that party, or by prepossessions in favor of its adversary; for I have learned, by some experience, that virtue and patriotism, vice and selfishness, are found in all parties, and that they differ less in their motives than in the policies they pursue.

Our country is a theatre, which exhibits, in full operation, two radically different political systems; the one resting on the basis of servile or slave labor, the other on voluntary labor of freemen. The laborers who are enslaved are all negroes, or persons more or less purely of African derivation. But this is only accidental. The principle of the system is, that labor in every society, by whomsoever performed, is necessarily unintellectual, grovelling and basé; and that the laborer, equally for his own good and for the welfare of the State, ought to be enslaved. The white laboring man, whether native or foreigner, is not enslaved, only because he cannot, as yet, be reduced to bondage.

You need not be told now that the slave system is the older of the two, and that once it was universal. The emancipation of our own ancestors, Caucasians and Europeans as they were, hardly dates beyond a period of five hundred years. The great melioration of human society

which modern times exhibit, is mainly due to the incomplete substitution of the system of voluntary labor for the one of servile labor, which has already taken place. This African slave system is one which, in its origin and in its growth, has been altogether foreign from the habits of the races which colonized these States, and established cizilization here. It was introduced on this continent as an engine of conquest, and for the establishment of monarchical power, by the Portuguese and the Spaniards, and was rapidly extended by them all over South America, Central America, Louisiana, and Mexico. Its legitimate fruits are seen in the poverty, imbecility, and anarchy which now pervade all Portuguese and Spanish America. The free-labor system is of German extraction, and it was established in our country by emigrants from Sweden, Holland, Germany, Great Britain and Ireland. We justly ascribe to its influences the strength, wealth, greatness, intelligence, and freedom, which the whole American people now enjoy. One of the chief elements of the value of human life is freedom in the pursuit of happiness. The slave system is not only intolerable, unjust, and inhuman, toward the laborer, whom, only because he is a laborer, it loads

down with chains and converts into merchandise, but is scarcely less severe upon the freeman, to whom, only because he is a laborer from necessity, it denies facilities for employment, and whom it expels from the community because it cannot enslave and convert into merchandise also. It is necessarily improvident and ruinous, because, as a general truth, communities prosper and flourish, or droop and decline, in just the degree that they practise or neglect to practise the primary duties of justice and humanity. The free-labor system conforms to the divine law of equality, which is written in the hearts and consciences of man, and therefore is always and everywhere beneficent.

The slave system is one of constant danger, distrust, suspicion, and watchfulness. It debases those whose toil alone can produce wealth and resources for defence, to the lowest degree of which human nature is capable, to guard against mutiny and insurrection, and thus wastes energies which otherwise might be employed in national development and aggrandizement.

The free-labor system educates all alike, and by opening all the fields of industrial employment and all the departments of authority, to the

unchecked and equal rivalry of all classes of men, at once secures universal contentment, and brings into the highest possible activity all the physical, moral, and social energies of the whole state. In states where the slave system prevails, the masters, directly or indirectly, secure all political power, and constitute a ruling aristocracy. In states where the free-labor system prevails, universal suffrage necessarily obtains, and the state inevitably becomes, sooner or later, a republic or democracy.

Russia yet maintains slavery, and is a despotism. Most of the other European states have abolished slavery, and adopted the system of free labor. It was the antagonistic political tendencies of the two systems which the first Napoleon was contemplating when he predicted that Europe would ultimately be either all Cossack or all republican. Never did human sagacity utter a more pregnant truth. The two systems are at once perceived to be incongruous. But they are more than incongruous—they are incompatible. They never have permanently existed together in one country, and they never can. It would be easy to demonstrate this impossibility, from the irreconcilable contrast between their great

principles and characteristics. But the experience of mankind has conclusively established it. Slavery, as I have already intimated, existed in every state in Europe. Free labor has supplanted it everywhere except in Russia and Turkey. State necessities developed in modern times are now obliging even those two nations to encourage and employ free labor; and already, despotic as they are, we find them engaged in abolishing slavery. In the United States, slavery came into collision with free labor at the close of the last century, and fell before it in New England, New York, New Jersey, and Pennsylvania, but triumphed over it effectually, and excluded it for a period yet undetermined, from Virginia, the Carolinas, and Georgia. Indeed, so incompatible are the two systems, that every new State which is organized within our ever-extending domain makes its first political act a choice of the one and the exclusion of the other, even at the cost of civil war, if necessary. The slave States, without law, at the last national election, successfully forbade, within their own limits, even the casting of votes for a candidate for President of the United States supposed to be favorable to the establishment of the free-labor system in new States.

Hitherto, the two systems have existed in different States, but side by side within the American Union. This has happened because the Union is a confederation of States. But in another aspect the United States constitute only one nation. Increase of population, which is filling the States out to their very borders, together with a new and extended net-work of railroads and other avenues, and an internal commerce which daily becomes more intimate, is rapidly bringing the States into a higher and more perfect social unity or consolidation. Thus, these antagonistic systems are continually coming into closer contact, and collision results.

Shall I tell you what this collision means? They who think that it is accidental, unnecessary, the work of interested or fanatical agitators, and therefore ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slave-holding nation, or entirely a free-labor nation. Either the cotton- and rice-fields of South Carolina and the sugar plantations of Louisiana will ultimately be tilled by free-labor, and Charleston

and New Orleans become marts of legitimate merchandise alone, or else the rye-fields and wheat-fields of Massachusetts and New York must again be surrendered by their farmers to slave culture and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men. It is the failure to apprehend this great truth that induces so many unsuccessful attempts at final compromises between the slave and free States, and it is the existence of this great fact that renders all such pretended compromises, when made, vain and ephemeral. Startling as this saying may appear to you, fellow-citizens, it is by no means an original or even a modern one. Our forefathers knew it to be true, and unanimously acted upon it when they framed the Constitution of the United States. They regarded the existence of the servile system in so many of the States with sorrow and shame, which they openly confessed, and they looked upon the collision between them, which was then just revealing itself, and which we are now accustomed to deplore, with favor and hope. They knew that one or the other system must exclusively prevail.

Unlike too many of those who in modern

time invoke their authority, they had a choice between the two. They preferred the system of free labor, and they determined to organize the government, and so direct its activity, that that system should surely and certainly prevail. For this purpose, and no other, they based the whole structure of the government broadly on the principle that all men are created equal, and therefore free—little dreaming that, within the short period of one hundred years, their descendants would bear to be told by any orator, however popular, that the utterance of that principle was merely a rhetorical rhapsody; or by any judge, however venerated, that it was attended by mental reservation, which rendered it hypocritical and false. By the ordinance of 1787, they dedicated all of the national domain not yet polluted by slavery to free labor immediately, thenceforth and forever; while by the new Constitution and laws they invited foreign free labor from all lands under the sun, and interdicted the importation of African slave labor, at all times, in all places, and under all circumstances whatsoever. It is true that they necessarily and wisely modified this policy of freedom by leaving it to the several States, affected as they were by different circumstances, to abolish

slavery in their own way and at their own pleasure, instead of confiding that duty to Congress; and that they secured to the slave States, while yet retaining the system of slavery, a three-fifths representation of slaves in the Federal Government, until they should find themselves able to relinquish it with safety. But the very nature of these modifications fortifies my position, that the fathers knew that the two systems could not endure within the Union, and expected within a short period slavery would disappear forever. Moreover, in order that these modifications might not altogether defeat their grand design of a republic maintaining universal equality, they provided that two thirds of the States might amend the Constitution.

It remains to say on this point only one word, to guard against misapprehension. If these States are to again become universally slaveholding, I do not pretend to say with what violations of the Constitution that end shall be accomplished. On the other hand, while I do confidently believe and hope that my country will yet become a land of universal freedom, I do not expect that it will be made so otherwise than through the action of the several States

coöperating with the Federal Government, and all acting in strict conformity with their respective constitutions.

The strife and contentions concerning slavery, which gently-disposed persons so habitually deprecate, are nothing more that the ripening of the conflict which the fathers themselves not only thus regarded with favor, but which they may be said to have instituted.

* * * I know—few, I think, know better than I—the resources and energies of the Democratic party, which is identical with the slave power. I do ample justice to its traditional popularity. I know further—few, I think, know better than I—the difficulties and disadvantages of organizing a new political force, like the Republican party, and the obstacles it must encounter in laboring without prestige and without patronage. But, understanding all this, I know that the Democratic party must go down, and that the Republican party must rise into its place. The Democratic party derived its strength, originally, from its adoption of the principles of equal and exact justice to all men. So long as it practised this principle faithfully, it was invulnerable. It became vulnerable when it renounced the principle, and since that time

it has maintained itself, not by virtue of its own strength, or even of its traditional merits, but because there as yet had appeared in the political field no other party that had the conscience and the courage to take up, and avow, and practise the life-inspiring principle which the Democratic party had surrendered. At last, the Republican party has appeared. It avows, now, as the Republican party of 1800 did, in one word, its faith and its works, "Equal and exact justice to all men." Even when it first entered the field, only half organized, it struck a blow which only just failed to secure complete and triumphant victory. In this, its second campaign, it has already won advantages which render that triumph now both easy and certain.

The secret of its assured success lies in that very characteristic which, in the mouth of scoffers, constitutes its great and lasting imbecility and reproach. It lies in the fact that it is a party of one idea; but that is a noble one—an idea that fills and expands all generous souls; the idea of equality—the equality of all men before human tribunals and human laws, as they all are equal before the Divine tribunal and Divine laws.

I know, and you know, that a revolution has begun. I know, and all the world knows, that revolutions never go backward. Twenty Senators and a hundred Representatives proclaim boldly in Congress to-day sentiments and opinions and principles of freedom which hardly so many men, even in this free State, dared to utter in their own homes twenty years ago. While the Government of the United States, under the conduct of the Democratic party, has been all that time surrendering one plain and castle after another to slavery, the people of the United States have been no less steadily and perseveringly gathering together the forces with which to recover back again all the fields and all the castles which have been lost, and to confound and overthrow, by one decisive blow, the betrayers of the Constitution and freedom forever.

VI.

SECESSION.

VI.

SECESSION.

FROM the beginning of our history it has been a mooted question whether we are to consider the United States as a political state or as a congeries of political states, as a *Bundesstaat* or as a *Staatenbund*. The essence of the controversy seems to be contained in the very title of the republic, one school laying stress on the word United, as the other does on the word States. The phases of the controversy have been beyond calculation, and one of its consequences has been a civil war of tremendous energy and cost in blood and treasure.

Looking at the facts alone of our history, one would be most apt to conclude that the United States had been a political state from the beginning, its form being entirely revolutionary until the final ratification of the Articles

of Confederation in 1781, then under the very loose and inefficient government of the Articles until 1789, and thereafter under the very efficient national government of the Constitution; that, in the final transformation of 1787–9, there were features which were also decidedly revolutionary; but that there was no time when any of the colonies had the prospect or the power of establishing a separate national existence of its own. The facts are not consistent with the theory that the States ever were independent political states, in any scientific sense.

It cannot be said, however, that the actors in the history always had a clear perception of the facts as they took place. In the teeth of the facts, our early history presents a great variety of assertions of State independence by leading men, State Legislatures, or State constitutions, which still form the basis of the argument for State sovereignty. The State constitutions declared the State to be sovereign and independent, even though the framers knew that

the existence of the State depended on the issue of the national struggle against the mother country. The treaty of 1783 with Great Britain recognized the States separately and by name as "free, sovereign, and independent," even while it established national boundaries outside of the States, covering a vast western territory in which no State would have ventured to forfeit its interest by setting up a claim to practical freedom, sovereignty, or independence. All our early history is full of such contradictions between fact and theory. They are largely obscured by the undiscriminating use of the word "people." As used now, it usually means the national people; but many apparently national phrases as to the "sovereignty of the people," as they were used in 1787–9, would seem far less national if the phraseology could show the feeling of those who then used them that the "people" referred to was the people of the State. In that case the number of the contradictions would be indefinitely increased; and the phraseology of the Constitu-

tion's preamble, "We, the people of the United States," would not be offered as a consciously nationalizing phrase of its framers. It is hardly to be doubted, from the current debates, that the conventions of Massachusetts, New Hampshire, Rhode Island, New York, Virginia, North Carolina, and South Carolina, seven of the thirteen States, imagined and assumed that each ratified the Constitution in 1788–90 by authority of the State's people alone, by the State's sovereign will; while the facts show that in each of these conventions a clear majority was coerced into ratification by a strong minority in its own State, backed by the unanimous ratifications of the other States. If ratification or rejection had really been open to voluntary choice, to sovereign will, the Constitution would never have had a moment's chance of life; so far from being ratified by nine States as a condition precedent to going into effect, it would have been summarily rejected by a majority of the States. In the language of John Adams, the Constitution was

"extorted from the grinding necessities of a reluctant people." The theory of State sovereignty was successfully contradicted by national necessities.

The change from the Articles of Confederation to the Constitution, though it could not help antagonizing State sovereignty, was carefully managed so as to do so as little as possible. As soon as the plans by which the Federal party, under Hamilton's leadership, proposed to develop the national features of the Constitution became evident, the latent State feeling took fire. Its first symptom was the adoption of the name Republican by the new opposition party which took form in 1792–3 under Jefferson's leadership. Up to this time the States had been the only means through which Americans had known any thing of republican government; they had had no share in the government of the mother country in colonial times, and no efficient national government to take part in under the Articles of Confederation. The claim of an exclusive title to the name of

Republican does not seem to have been fundamentally an implication of monarchical tendencies against the Federalists so much as an implication that they were hostile to the States, the familiar exponents of republican government. When the Federalist majority in Congress forced through, in the war excitement against France in 1798, the Alien and Sedition laws, which practically empowered the President to suppress all party criticism of and opposition to the dominant party, the Legislatures of Kentucky and Virginia, in 1798–9, passed series of resolutions, prepared by Jefferson and Madison respectively, which for the first time asserted in plain terms the sovereignty of the States. The two sets of resolutions agreed in the assertion that the Constitution was a "compact," and that the States were the "parties" which had formed it. In these two propositions lies the gist of State sovereignty, of which all its remotest consequences are only natural developments. If it were true that the States, of their sovereign will, had

formed such a compact; if it were not true that the adoption of the Constitution was a mere alteration of the form of a political state already in existence; it would follow, as the Kentucky resolutions asserted, that each State had the exclusive right to decide for itself when the compact had been broken, and the mode and measure of redress. It followed, also, that, if the existence and force of the Constitution in a State were due solely to the sovereign will of the State, the sovereign will of the State was competent, on occasion, to oust the Constitution from the jurisdiction covered by the State. In brief, the Union was wholly voluntary in its formation and in its continuance; and each State reserved the unquestionable right to secede, to abandon the Union, and assume an independent existence whenever due reason, in the exclusive judgment of the State, should arise. These latter consequences, not stated in the Kentucky resolutions, and apparently not contemplated by the Virginia resolutions, were put into complete form by Professor Tucker, of

the University of Virginia, in 1803, in the notes to his edition of "Blackstone's Commentaries." Thereafter its statements of American constitutional law controlled the political training of the South.

Madison held a modification of the State sovereignty theory, which has counted among its adherents the mass of the ability and influence of American authorities on constitutional law. Holding that the Constitution was a compact, and that the States were the parties to it, he held that one of the conditions of the compact was the abandonment of State sovereignty; that the States were sovereign until 1787–8, but thereafter only members of a political state, the United States. This seems to have been the ground taken by Webster, in his debates with Hayne and Calhoun. It was supported by the instances in which the appearance of a sovereignty in each State was yielded in the fourteen years before 1787; but, unfortunately for the theory, Calhoun was able to produce instances exactly parallel after 1787. If the fact

that each State predicated its own sovereignty as an essential part of the steps preliminary to the convention of 1787 be a sound argument for State sovereignty before 1787, the fact that each State predicated its sovereignty as an essential part of the ratification of the Constitution must be taken as an equally sound argument for State sovereignty under the Constitution; and it seems difficult, on the Madison theory, to resist Calhoun's triumphant conclusion that, if the States went into the convention as sovereign States, they came out of it as sovereign States, with, of course, the right of secession. Calhoun himself had a sincere desire to avoid the exercise of the right of secession, and it was as a substitute for it that he evolved his doctrine of nullification, which has been placed in the first volume. When it failed in 1833, the exercise of the right of secession was the only remaining remedy for an asserted breach of State sovereignty.

The events which led up to the success of the Republican party in electing Mr. Lincoln to the

Presidency in 1860 are so intimately connected with the antislavery struggle that they have been placed in the preceding volume. They culminated in the first organized attempt to put the right of secession to a practical test. The election of Lincoln, the success of a "sectional party," and the evasion of the fugitive-slave law through the passage of "personal-liberty laws" by many of the Northern States, are the leading reasons assigned by South Carolina for her secession in 1860. These were intelligible reasons, and were the ones most commonly used to influence the popular vote. But all the evidence goes to show that the leaders of secession were not so weak in judgment as to run the hazards of war by reason of "injuries" so minute as these. Their apprehensions were far broader, if less calculated to influence a popular vote. In 1789 the proportions of population and wealth in the two sections were very nearly equal. The slave system of labor had hung as a clog upon the progress of the South, preventing the natural development of

manufactures and commerce, and shutting out immigration. As the numerical disproportion between the two sections increased, Southern leaders ceased to attempt to control the House of Representatives, contenting themselves with balancing new Northern with new Southern States, so as to keep an equal vote in the Senate. Since 1845 this resource had failed. Five free States, Iowa, Wisconsin, California, Minnesota, and Oregon, had been admitted, with no new slave States; Kansas was calling almost imperatively for admission; and there was no hope of another slave State in future. When the election of 1860 demonstrated that the progress of the antislavery struggle had united all the free States, it was evident that it was but a question of time when the Republican party would control both branches of Congress and the Presidency, and have the power to make laws according to its own interpretation of the constitutional powers of the Federal Government.

The peril to slavery was not only the prob-

able prohibition of the inter-State slave-trade, though this itself would have been an event which negro slavery in the South could hardly have long survived. The more pressing danger lay in the results of such general Republican success on the Supreme Court. The decision of that Court in the Dred Scott case had fully sustained every point of the extreme Southern claims as to the status of slavery in the Territories; it had held that slaves were property in the view of the Constitution; that Congress was bound to protect slave-holders in this property right in the Territories, and, still more, bound not to prohibit slavery or allow a Territorial Legislature to prohibit slavery in the Territories, and that the Missouri compromise of 1820 was unconstitutional and void. The Southern Democrats entered the election of 1860 with this distinct decision of the highest judicial body of the country to back them. The Republican party had refused to admit that the decision of the Dred Scott case was law or binding. Given a Republican majority

in both Houses and a Republican President, there was nothing to hinder the passage of a law increasing the number of Supreme Court justices to any desired extent, and the new appointments would certainly be of such a nature as to make the reversal of the Dred Scott decision an easy matter. The election of 1860 had brought only a Republican President; the majority in both Houses was to be against him until 1863 at least. But the drift in the North and West was too plain to be mistaken, and it was felt that 1860–1 would be the last opportunity for the Gulf States to secede with dignity and with the prestige of the Supreme Court's support.

Finally, there seems to have been a strong feeling among the extreme secessionists, who loved the right of secession for its own sake, that the accelerating increase in the relative power of the North would soon make secession, on any grounds, impossible. Unless the right was to be forfeited by non-user, it must be established by practical exercise, and at once.

Until about 1825–9 Presidential electors were

chosen in most of the States by the Legislature. After that period the old practice was kept up only in South Carolina. On election day of November, 1860, the South Carolina Legislature was in session for the purpose of choosing electors, but it continued its session after this duty was performed, As soon as Lincoln's election was assured, the Legislature called a State Convention for Dec. 17th, took the preliminary steps toward putting the State on a war footing, and adjourned. The convention met at the State capital, adjourned to Charleston, and here, Dec. 20, 1860, passed unanimously an Ordinance of Secession. By its terms the people of South Carolina, in convention assembled, repealed the ordinance of May 23, 1788, by which the Constitution had been ratified, and all Acts of the Legislature ratifying amendments to the Constitution, and declared the union between the State and other States, under the name of the United States of America, to be dissolved. By a similar process, similar ordinances were adopted by the State Conven-

tions of Mississippi (Jan. 9th), Florida (Jan. 10th), Alabama (Jan. 11th), Georgia (Jan. 19th), Louisiana (Jan. 25th), and Texas (Feb. 1st), —seven States in all.

Outside of South Carolina, the struggle in the States named turned on the calling of the convention; and in this matter the opposition was unexpectedly strong. We have the testimony of Alexander H. Stephens that the argument most effective in overcoming the opposition to the calling of a convention was: "We can make better terms out of the Union than in it." The necessary implication was that secession was not to be final; that it was only to be a temporary withdrawal until terms of compromise and security for the fugitive-slave law and for slavery in the Territories could be extorted from the North and West. The argument soon proved to be an intentional sham.

There has always been a difference between the theory of the State Convention at the North and at the South. At the North, barring a few very exceptional cases, the rule has been

that no action of a State Convention is valid until confirmed by popular vote. At the South, in obedience to the strictest application of State sovereignty, the action of the State Convention was held to be the voice of the people of the State, which needed no popular ratification. There was, therefore, no remedy when the State Conventions, after passing the ordinances of secession, went on to appoint delegates to a Confederate Congress, which met at Montgomery, Feb. 4, 1861, adopted a provisional constitution Feb. 8th, and elected a President and Vice-President Feb. 9th. The conventions ratified the provisional constitution and adjourned, their real object having been completely accomplished; and the people of the several seceding States, by the action of their omnipotent State Conventions, and without their having a word to say about it, found themselves under a new government, totally irreconcilable with the jurisdiction of the United States, and necessarily hostile to it. The only exception was Texas, whose State Convention

had been called in a method so utterly revolutionary that it was felt to be necessary to condone its defects by a popular vote.

No declaration had ever been made by any authority that the erection of such hostile power within the national boundaries of the United States would be followed by war; such a declaration would hardly seem necessary. The recognition of the original national boundaries of the United States had been extorted from Great Britain by successful warfare. They had been extended by purchase from France and Spain in 1803 and 1819, and again by war from Mexico in 1848. The United States stood ready to guarantee their integrity by war against all the rest of the world; was an ordinance of South Carolina, or the election of a *de facto* government within Southern borders, likely to receive different treatment than was given British troops at Bunker Hill, or Santa Anna's lancers at Buena Vista? Men forgot that the national boundaries had been so drawn as to include Vermont before Vermont's admission

and without Vermont's consent; that unofficial propositions to divide Rhode Island between Connecticut and Massachusetts, to embargo commerce with North Carolina, and demand her share of the Confederation debt, had in 1789–90 been a sufficient indication that it was easier for a State to get into the American Union than to get out of it. It was a fact, nevertheless, that the national power to enforce the integrity of the Union had never been formally declared; and the mass of men in the South, even though they denied the expediency, did not deny the right of secession, or acknowledge the right of coercion by the Federal Government. To reach the original area of secession with land-forces, it was necessary for the Federal Government to cross the Border States, whose people in general were no believers in the right of coercion. The first attempt to do so extended the secession movement by methods which were far more openly revolutionary than the original secessions. North Carolina and Arkansas seceded in orthodox fashion as soon as President Lincoln called for

volunteers after the capture of Fort Sumter. The State governments of Virginia and Tennessee concluded "military leagues" with the Confederacy, allowed Confederate troops to take possession of their States, and then submitted an ordinance of secession to the form of a popular vote. The State officers of Missouri were chased out of the State before they could do more than begin this process. In Maryland, the State government arrayed itself successfully against secession.

In selecting the representative opinions for this period, all the marked shades of opinion have been respected, both the Union and the anti-coercion sentiment of the Border States, the extreme secession spirit of the Gulf States, and, from the North, the moderate and the extreme Republican, and the orthodox Democratic, views. The feeling of the so-called "peace Democrats" of the North differed so little from those of Toombs or Iverson that it has not seemed advisable to do more than refer to Vallandigham's speech in opposition to the war, under the next period.

THOMAS L. CLINGMAN,

OF NORTH CAROLINA.

(BORN 1811.)

ON SECESSION; BORDER STATE OPINION (ANTI-COERCION); IN THE UNITED STATES SENATE, DECEMBER 4, 1860.

MR. PRESIDENT:

My purpose was not so much to make a speech as to state what I think is the great difficulty; and that is that a man has been elected because he has been and is hostile to the South. It is this that alarms our people; and I am free to say, as I have said on the stump this summer repeatedly, that if an election were not resisted, either now or at some day not far distant the Abolitionists would succeed in abolishing slavery all over the South.

Now, as to this idea of gentlemen waiting for overt acts. Why, sir, if the fugitive-slave law had been repealed without these occurrences it could not have produced half the ex-

citement in the country. Men would have said: "We have gotten back very few negroes under it; its repeal merely puts us where we were ten years ago." Again, if you were to abolish slavery in this District it would be said: "There are only a few thousand slaves here; that is a small matter; are you going to disturb this great Union just for the sake of a few thousand slaves?" It is said, however, by some persons, that we are to submit until revolution is more tolerable than the acts of which we complain. That was not the policy of our revolutionary fathers. Nobody supposes that the tea tax or the stamp tax was an oppressive measure in itself. They saw, however, that if they were submitted to, in time oppression would be practised, and they wisely resisted at the start.

Now, sir, I take it for granted that Lincoln would resort to no overt acts in the first instance. I cannot conceive that he would have the folly to do so. I presume that he would be conservative in his declarations, and I should attach just as much weight to them as I would to the soothing words and manner of a man who wanted to mount a wild horse, and who would not, until he was safely in the saddle, apply whip or spur. I take it for granted, when

he comes in, he will make things as quiet as he can make them at first. I presume the policy of the party would be to endeavor to divide the South. They complain that Abolition documents are not circulated there. They wish to have an opportunity, by circulating such things as Helper's book, of arraying the non-slaveholders and poor men against the wealthy. I have no doubt that would be their leading policy, and they would be very quiet about it. They want to get up that kind of "free debate" which has been put into practice in Texas, according to the Senator from New York, for he is reported to have said in one of his speeches in the Northwest, alluding to recent disturbances, to burnings and poisonings there, that Texas was excited by "free debate." Well, sir, a Senator from Texas told me the other day that a good many of those debaters were hanging up on the trees in that country. I have no doubt, also, they would run off slaves faster from the border States, and perhaps oblige the slave-owners to send them down further south, so as to make some of those States free States; and then, when the South was divided to some extent, the overt acts would come, and we should have, perhaps, a hard struggle to escape destruction.

Therefore, I maintain that our true policy is to meet this issue *in limine*, and I hope it will be done. If we can maintain our personal safety let us hold on to the present Government; if not we must take care of ourselves at all hazards. I think this is the feeling that prevails in North Carolina. I have spoken of there being two parties there, but I may say to you, Mr. President, that that party which is for immediate action is gaining strength rapidly. I do not believe there has been a meeting yet held in the State where there was a collision of opinion that ultra resolutions have not been adopted. This feeling is not confined to either of the political parties which made a struggle there in the late elections. The current of resistance is running rapidly over the South. It is idle for men to shut their eyes to consequences like these. If any thing can be done to avert the evil let those who have the power do it. I will not now detain the Senate longer.

JOHN JORDAN CRITTENDEN,

OF KENTUCKY.

(BORN 1786, DIED 1863.)

ON SECESSION; BORDER STATE OPINION (UNIONIST); IN THE UNITED STATES SENATE, DEC. 4, 1860.

MR. PRESIDENT:

I regret that the honorable Senator from North Carolina has thought proper to make the speech which he has just addressed to the Senate. I did hope that we had all come together upon this occasion duly impressed with the solemnity of the business that would devolve upon us, duly impressed with the great dangers that were impending over our country, and especially with those dangers which threaten the existence of our Union. That was the temper in which I hoped we were now assembled. I hope this debate will proceed no further. The gentleman has hardly uttered a sentiment or an opinion in which I do not disagree with him—hardly one, sir. I have hopes of the preservation

of that Union under which I have so long lived; I have hopes that that Union which was the glory of our fathers will not become the shame of their children. But I rise here now, sir, not for the purpose of making a speech, and I intend to stick to my purpose. I wish the gentleman had stuck to his when he said he rose not to make a speech. I rise here to express the hope, and that alone, that the bad example of the gentleman will not be followed, and that we shall not allow ourselves now to be involved in an angry debate. We had better not have come here at all if that is our purpose. If we have not come here to give a deliberate and a solemn consideration to the grave questions that are thrust upon us, we are not fit for the places we occupy. This Union was established by great sacrifices; this Union is worthy of great sacrifices and great concessions for its maintenance; and I trust there is not a Senator here who is not willing to yield and to compromise much in order to preserve the government and the Union of the country.

I look forward with dismay and with something like despair to the condition of this country when the Union shall be stricken down, and we shall be turned loose again to speculate

on the policies and on the foundation upon which we are to establish governments. I look at it, sir, with a fear and trembling that predispose me to the most solemn considerations that I am capable of feeling, to search out, if it be possible, some means for the reconciliation of all the different sections and members of this Union, and see if we cannot again restore that harmony and that fraternity and that union which once existed in this country, and which gave so much of blessing and so much of benefit to us all. I hope that we shall not now engage in any irritating or angry debate. Our duties require of us very different dispositions of mind; and I trust none of us will allow ourselves to be irritated or provoked, or through any inadvertence involved in any angry or irritating discussions now. Calm consideration is demanded of us; a solemn duty is to be performed, not invectives to be pronounced; not passions to be aroused; not wrongs to be detailed and aggravated over and over again. Let us look to the future; let us look to the present only to see what are the dangers and what are the remedies, and to appeal for the adoption of those remedies, to the good feeling of every portion of this House. It is in that

way only that we can arrive at a peaceable and satisfactory conclusion.

I am content, sir, that the gentleman's motion for printing the message shall be passed, and will waive any remarks which I might have been disposed otherwise to make on that message. I do not agree that there is no power in the President to preserve the Union. I will say that now. If we have a Union at all, and if, as the President thinks, there is no right to secede on the part of any State (and I agree with him in that), I think there is a right to employ our power to preserve the Union. I do not say how we should apply it, or under what circumstances we should apply it. I leave all that open. To say that no State has a right to secede, that it is wrong to the Union, and yet that the Union has no right to interpose any obstacle to its secession, seems to me to be altogether contradictory.

ALFRED IVERSON,

OF GEORGIA.

(BORN 1798, DIED 1874.)

ON SECESSION; SECESSIONIST OPINION; IN THE UNITED STATES SENATE, DECEMBER 5, 1860.

I DO not rise, Mr. President, for the purpose of entering at any length into this discussion, or to defend the President's message, which has been attacked by the Senator from New Hampshire.* I am not the mouth-piece of the President. While I do not agree with some portions of the message, and some of the positions that have been taken by the President, I do not perceive all the inconsistencies in that document which the Senator from New Hampshire has thought proper to present.

It is true, that the President denies the constitutional right of a State to secede from the Union; while, at the same time, he also states that this Federal Government has no constitu-

*See page 105.

tional right to enforce or to coerce a State back into the Union which may take upon itself the responsibility of secession. I do not see any inconsistency in that. The President may be right when he asserts the fact that no State has a constitutional right to secede from the Union. I do not myself place the right of a State to secede from the Union upon constitutional grounds. I admit that the Constitution has not granted that power to a State. It is exceedingly doubtful even whether the right has been reserved. Certainly it has not been reserved in express terms. I therefore do not place the expected action of any of the Southern States, in the present contingency, upon the constitutional right of secession ; and I am not prepared to dispute therefore, the position which the President has taken upon that point.

I rather agree with the President that the secession of a State is an act of revolution taken through that particular means or by that particular measure. It withdraws from the Federal compact, disclaims any further allegiance to it, and sets itself up as a separate government, an independent State. The State does it at its peril, of course, because it may or may not be cause of war by the remaining States composing

the Federal Government. If they think proper to consider it such an act of disobedience, or if they consider that the policy of the Federal Government be such that it cannot submit to this dismemberment, why then they may or may not make war if they choose upon the seceding States. It will be a question of course for the Federal Government or the remaining States to decide for themselves, whether they will permit a State to go out of the Union, and remain as a separate and independent State, or whether they will attempt to force her back at the point of the bayonet. That is a question, I presume, of policy and expediency, which will be considered by the remaining States composing the Federal Government, through their organ, the Federal Government, whenever the contingency arises.

But, sir, while a State has no power, under the Constitution, conferred upon it to secede from the Federal Government or from the Union, each State has the right of revolution, which all admit. Whenever the burdens of the government under which it acts become so onerous that it cannot bear them, or if anticipated evil shall be so great that the State believes it would be better off—even risking the perils of seces-

sion—out of the Union than in it, then that State, in my opinion, like all people upon earth has the right to exercise the great fundamental principle of self-preservation, and go out of the Union—though, of course, at its own peril—and bear the risk of the consequences. And while no State may have the constitutional right to secede from the Union, the President may not be wrong when he says the Federal Government has no power under the Constitution to compel the State to come back into the Union. It may be a *casus omissus* in the Constitution; but I should like to know where the power exists in the Constitution of the United States to authorize the Federal Government to coerce a sovereign State. It does not exist in terms, at any rate, in the Constitution. I do not think there is any inconsistency, therefore, between the two positions of the President in the message upon these particular points.

The only fault I have to find with the message of the President, is the inconsistency of another portion. He declares that, as the States have no power to secede, the Federal Government is in fact a consolidated government; that it is not a voluntary association of States. I deny it. It was a voluntary association of States. No State

was ever forced to come into the Federal Union. Every State came voluntarily into it. It was an association, a voluntary association of States; and the President's position that it is not a voluntary association is, in my opinion, altogether wrong.

But whether that be so or not, the President declares and assumes that this government is a consolidated government to this extent: that all the laws of the Federal Government are to operate directly upon each individual of the States, if not upon the States themselves, and must be enforced; and yet, at the same time, he says that the State which secedes is not to be coerced. He says that the laws of the United States must be enforced against every individual of a State.

Of course, the State is composed of individuals within its limits, and if you enforce the laws and obligations of the Federal Government against each and every individual of the State, you enforce them against a State. While, therefore, he says that a State is not to be coerced, he declares, in the same breath, his determination to enforce the laws of the Union, and therefore to coerce the State if a State goes out. There is the inconsistency, according

to my idea, which I do not see how the President or anybody else can reconcile. That the Federal Government is to enforce its laws over the seceding State, and yet not coerce her into obedience, is to me incomprehensible.

But I did not rise, Mr. President, to discuss these questions in relation to the message; I rose in behalf of the State that I represent, as well as other Southern States that are engaged in this movement, to accept the issue which the Senator from New Hampshire has seen fit to tender—that is, *of war*. Sir, the Southern States now moving in this matter are not doing it without due consideration. We have looked over the whole field. We believe that the only security for the institution to which we attach so much importance is secession and a Southern confederacy. We are satisfied, notwithstanding the disclaimers upon the part of the Black Republicans to the contrary, that they intend to use the Federal power, when they get possession of it, to put down and extinguish the institution of slavery in the Southern States. I do not intend to enter upon the discussion of that point. That, however, is my opinion. It is the opinion of a large majority of those with whom I associate at home, and I believe of the

Southern people. Believing that this is the intention and object, the ultimate aim and design, of the Republican party, the Abolitionists of the North, we do not intend to stay in this Union until we shall become so weak that we shall not be able to resist when the time comes for resistance. Our true policy is the one which we have made up our minds to follow. Our true policy is to go out of this Union now, while we have strength to resist any attempt on the part of the Federal Government to coerce us. * * *

We intend, Mr. President, to go out peaceably if we can, forcibly if we must; but I do not believe, with the Senator from New Hampshire, that there is going to be any war. If five or eight States go out, they will necessarily draw all the other Southern States after them. That is a consequence that nothing can prevent. If five or eight States go out of this Union, I should like to see the man that would propose a declaration of war against them, or attempt to force them into obedience to the Federal Government at the point of the bayonet or the sword.

Sir, there has been a good deal of vaporing on this subject. A great many threats have

been thrown out. I have heard them on this floor, and upon the floor of the other House of Congress; but I have also perceived this: they come from those who would be the very last men to attempt to put their threats into execution. Men talk sometimes about their eighteen million who are to whip us; and yet we have heard of cases in which just such men had suffered themselves to be switched in the face, and trembled like sheep-stealing dogs, expecting to be shot every minute. These threats generally come from men who would be the last to execute them. Some of these Northern editors talk about whipping the Southern States like spaniels. Brave words; but I venture to assert none of those men would ever volunteer to command an army to be sent down South to coerce us into obedience to Federal power. * * *

But, sir, I apprehend that when we go out and form our confederacy—as I think and hope we shall do very shortly—the Northern States, or the Federal Government, will see its true policy to be to let us go in peace and make treaties of commerce and amity with us, from which they will derive more advantages than from any attempt to coerce us. They cannot

succeed in coercing us. If they allow us to form our government without difficulty, we shall be very willing to look upon them as a favored nation and give them all the advantages of commercial and amicable treaties. I have no doubt that both of us—certainly the Southern States—would live better, more happily, more prosperously, and with greater friendship, than we live now in this Union.

Sir, disguise the fact as you will, there is an enmity between the Northern and Southern people that is deep and enduring, and you never can eradicate it—never! Look at the spectacle exhibited on this floor. How is it? There are the Republican Northern Senators upon that side. Here are the Southern Senators on this side. How much social intercourse is there between us? You sit upon your side, silent and gloomy; we sit upon ours with knit brows and portentous scowls. Yesterday I observed that there was not a solitary man on that side of the Chamber came over here even to extend the civilities and courtesies of life; nor did any of us go over there. Here are two hostile bodies on this floor; and it is but a type of the feeling that exists between the two sections. We are enemies as much as if we

were hostile States. I believe that the Northern people hate the South worse than ever the English people hated France; and I can tell my brethren over there that there is no love lost upon the part of the South.

In this state of feeling, divided as we are by interest, by a geographical feeling, by every thing that makes two people separate and distinct, I ask why we should remain in the same Union together? We have not lived in peace; we are not now living in peace. It is not expected or hoped that we shall ever live in peace. My doctrine is that whenever even man and wife find that they must quarrel, and cannot live in peace, they ought to separate; and these two sections—the North and South—manifesting, as they have done and do now, and probably will ever manifest, feelings of hostility, separated as they are in interests and objects, my own opinion is they can never live in peace; and the sooner they separate the better.

Sir, these sentiments I have thrown out crudely I confess, and upon the spur of the occasion. I should not have opened my mouth but that the Senator from New Hampshire seemed to show a spirit of bravado, as if he intended to alarm and scare the Southern States

into a retreat from their movements. He says that war is to come, and you had better take care, therefore. That is the purport of his language; of course those are not his words; but I understand him very well, and everybody else, I apprehend, understands him that war is threatened, and therefore the South had better look out. Sir, I do not believe that there will be any war; but if war is to come, let it come. We will meet the Senator from New Hampshire and all the myrmidons of Abolitionism and Black Republicism everywhere, upon our own soil; and in the language of a distinguished member from Ohio in relation to the Mexican War, we will "welcome you with bloody hands to hospitable graves."

ROBERT TOOMBS,

OF GEORGIA.

(BORN 1810.)

ON SECESSION; SECESSIONIST OPINION; IN THE UNITED STATES SENATE, JANUARY 7, 1861.

MR. PRESIDENT AND SENATORS:

The success of the Abolitionists and their allies, under the name of the Republican party, has produced its logical results already. They have for long years been sowing dragons' teeth, and have finally got a crop of armed men. The Union, sir, is dissolved. That is an accomplished fact in the path of this discussion that men may as well heed. One of your confederates has already, wisely, bravely, boldly, confronted public danger, and she is only ahead of many of her sisters because of her greater facility for speedy action. The greater majority of those sister States, under like circumstances, consider her cause as their cause; and I charge you in their name to-day, "Touch

not Saguntum." It is not only their cause, but it is a cause which receives the sympathy and will receive the support of tens and hundreds of thousands of honest patriotic men in the non-slave-holding States, who have hitherto maintained constitutional rights, and who respect their oaths, abide by compacts, and love justice. And while this Congress, this Senate, and this House of Representatives, are debating the constitutionality and the expediency of seceding from the Union, and while the perfidious authors of this mischief are showering down denunciations upon a large portion of the patriotic men of this country, those brave men are coolly and calmly voting what you call revolution—ay, sir, doing better than that: arming to defend it. They appealed to the Constitution, they appealed to justice, they appealed to fraternity, until the Constitution, justice, and fraternity were no longer listened to in the legislative halls of their country, and then, sir, they prepared for the arbitrament of the sword; and now you see the glittering bayonet, and you hear the tramp of armed men from your Capitol to the Rio Grande. It is a sight that gladdens the eyes and cheers the heart of other millions ready to second them.

Inasmuch, sir, as I have labored earnestly, honestly, sincerely, with these men to avert this necessity so long as I deemed it possible, and inasmuch as I heartily approve their present conduct of resistance, I deem it my duty to state their case to the Senate, to the country, and to the civilized world.

Senators, my countrymen have demanded no new government; they have demanded no new constitution. Look to their records at home and here from the beginning of this national strife until its consummation in the disruption of the empire, and they have not demanded a single thing except that you shall abide by the Constitution of the United States; that constitutional rights shall be respected, and that justice shall be done. Sirs, they have stood by your Constitution; they have stood by all its requirements; they have performed all its duties unselfishly, uncalculatingly, disinterestedly, until a party sprang up in this country which endangered their social system—a party which they arraign, and which they charge before the American people and all mankind, with having made proclamation of outlawry against four thousand millions of their property in the Territories of the United States; with

having put them under the ban of the empire in all the States in which their institutions exist, outside the protection of Federal laws; with having aided and abetted insurrection from within and invasion from without, with the view of subverting those institutions, and desolating their homes and their firesides. For these causes they have taken up arms. I shall proceed to vindicate the justice of their demands, the patriotism of their conduct. I will show the injustice which they suffer and the rightfulness of their resistance.

I shall not spend much time on the question that seems to give my honorable friend (Mr. Crittenden) so much concern—the constitutional right of a State to secede from this Union. Perhaps he will find out after a while that it is a fact accomplished. You have got it in the South pretty much both ways. South Carolina has given it to you regularly, according to the approved plan. You are getting it just below there (in Georgia), I believe, irregularly, outside of the law, without regular action. You can take it either way. You will find armed men to defend both. I have stated that the discontented States of this Union have demanded nothing but clear, distinct, unequivo-

cal, well-acknowledged constitutional rights; rights affirmed by the highest judicial tribunals of their country; rights older than the Constitution; rights which are planted upon the immutable principles of natural justice; rights which have been affirmed by the good and the wise of all countries, and of all centuries. We demand no power to injure any man. We demand no right to injure our confederate States. We demand no right to interfere with their institutions, either by word or deed. We have no right to disturb their peace, their tranquillity, their security. We have demanded of them simply, solely—nothing else—to give us *equality, security, and tranquillity*. Give us these, and peace restores itself. Refuse them, and take what you can get.

I will now read my own demands, acting under my own convictions, and the universal judgment of my countrymen. They are considered the demands of an extremist. To hold to a constitutional right now makes one considered as an extremist—I believe that is the appellation these traitors and villains, North and South, employ. I accept their reproach rather than their principles. Accepting their designation of treason and rebellion, there stands before

them as good a traitor, and as good a rebel as ever descended from revolutionary loins.

What do the rebels demand? First, "that the people of the United States shall have an equal right to emigrate and settle in the present or any future acquired territories, with whatever property they may possess (including slaves), and be securely protected in its peaceable enjoyment until such Territory may be admitted as a State into the Union, with or without slavery, as she may determine, on an equality with all existing States." That is our territorial demand. We have fought for this Territory when blood was its price. We have paid for it when gold was its price. We have not proposed to exclude you, though you have contributed very little of blood or money. I refer especially to New England. We demand only to go into those Territories upon terms of equality with you, as equals in this great Confederacy, to enjoy the common property of the whole Union, and receive the protection of the common government, until the Territory is capable of coming into the Union as a sovereign State, when it may fix its own institutions to suit itself.

The second proposition is, "that property in slaves shall be entitled to the same protection

from the Government of the United States, in all of its departments, everywhere, which the Constitution confers the power upon it to extend to any other property, provided nothing herein contained shall be construed to limit or restrain the right now belonging to every State to prohibit, abolish, or establish and protect slavery within its limits." We demand of the common government to use its granted powers to protect our property as well as yours. For this protection we pay as much as you do. This very property is subject to taxation. It has been taxed by you and sold by you for taxes. The title to thousands and tens of thousands of slaves is derived from the United States. We claim that the Government, while the Constitution recognizes our property for the purposes of taxation, shall give it the same protection that it gives yours. Ought it not to be so? You say no. Every one of you upon the committee said no. Your Senators say no. Your House of Representatives says no. Throughout the length and breadth of your conspiracy against the Constitution, there is but one shout of no! This recognition of this right is the price of my allegiance. Withhold it, and you do not get my obedience. This is the philosophy of the

armed men who have sprung up in this country. Do you ask me to support a government that will tax my property; that will plunder me; that will demand my blood, and will not protect me? I would rather see the population of my native State laid six feet beneath her sod than they should support for one hour such a government. Protection is the price of obedience everywhere, in all countries. It is the only thing that makes government respectable. Deny it and you cannot have free subjects or citizens; you may have slaves.

We demand, in the next place, "that persons committing crimes against slave property in one State, and fleeing to another, shall be delivered up in the same manner as persons committing crimes against other property, and that the laws of the State from which such persons flee shall be the test of criminality." That is another one of the demands of an extremist and rebel. The Constitution of the United States, article four, section two, says:

"A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled. be delivered up to be

removed to the State having jurisdiction of the crime." But the non-slave-holding States, treacherous to their oaths and compacts, have steadily refused, if the criminal only stole a negro, and that negro was a slave, to deliver him up. It was refused twice on the requisition of my own State as long as twenty-two years ago. It was refused by Kent and by Fairfield, Governors of Maine, and representing, I believe, each of the then Federal parties. We appealed then to fraternity, but we submitted; and this constitutional right has been practically a dead letter from that day to this. The next case came up between us and the State of New York, when the present senior Senator (Mr. Seward) was the Governor of that State; and he refused it. Why? He said it was not against the laws of New York to steal a negro, and therefore he would not comply with the demand. He made a similar refusal to Virginia. Yet these are our confederates; these are our sister States! There is the bargain; there is the compact. You have sworn to it. Both these Governors swore to it. The Senator from New York swore to it. The Governor of Ohio swore to it when he was inaugurated. You cannot bind them by oaths.

Yet they talk to us of treason; and I suppose they expect to whip freemen into loving such brethren! They will have a good time in doing it!

It is natural we should want this provision of the Constitution carried out. The Constitution says slaves are property; the Supreme Court says so; the Constitution says so. The theft of slaves is a crime; they are a subject-matter of felonious asportation. By the text and letter of the Constitution you agreed to give them up. You have sworn to do it, and you have broken your oaths. Of course, those who have done so look out for pretexts. Nobody expected them do otherwise. I do not think I ever saw a perjurer, however bald and naked, who could not invent some pretext to palliate his crime, or who could not, for fifteen shillings, hire an Old Bailey lawyer to invent some for him. Yet this requirement of the Constitution is another one of the extreme demands of an extremist and a rebel.

The next stipulation is that fugitive slaves shall be surrendered under the provisions of the fugitive-slave act of 1850, without being entitled either to a writ of *habeas corpus*, or trial by jury, or other similar obstructions of legislation,

in the State to which he may flee. Here is the Constitution:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

This language is plain, and everybody understood it the same way for the first forty years of your government. In 1793, in Washington's time, an act was passed to carry out this provision. It was adopted unanimously in the Senate of the United States, and nearly so in the House of Representatives. Nobody then had invented pretexts to show that the Constitution did not mean a negro slave. It was clear; it was plain. Not only the Federal courts, but all the local courts in all the States, decide that this was a constitutional obligation. How is it now? The North sought to evade it; following the instincts of their natural character, they commenced with the fraudulent fiction that fugitives were entitled to *habeas corpus*, entitled to trial by jury in the State to which they fled. They pretended to believe

that our fugitive slaves were entitled to more rights than their white citizens; perhaps they were right, they know one another better than I do. You may charge a white man with treason, or felony, or other crime, and you do not require any trial by jury before he is given up; there is nothing to determine but that he is legally charged with a crime and that he fled, and then he is to be delivered up upon demand. White people are delivered up every day in this way; but not slaves. Slaves, black people, you say, are entitled to trial by jury; and in this way schemes have been invented to defeat your plain constitutional obligations. * * *

The next demand made on behalf of the South is, "that Congress shall pass effective laws for the punishment of all persons in any of the States who shall in any manner aid and abet invasion or insurrection in any other State, or commit any other act against the laws of nations, tending to disturb the tranquillity of the people or government of any other State." That is a very plain principle. The Constitution of the United States now requires, and gives Congress express power, to define and punish piracies and felonies committed on the high seas, and *offences against the laws of na-*

tions. When the honorable and distinguished Senator from Illinois (Mr. Douglas) last year introduced a bill for the purpose of punishing people thus offending under that clause of the Constitution, Mr. Lincoln, in his speech at New York, which I have before me, declared that it was a "sedition bill"; his press and party hooted at it. So far from recognizing the bill as intended to carry out the Constitution of the United States, it received their jeers and jibes. The Black Republicans of Massachusetts elected the admirer and eulogist of John Brown's courage as their governor, and we may suppose he will throw no impediments in the way of John Brown's successors. The epithet applied to the bill of the Senator from Illinois is quoted from a deliberate speech delivered by Lincoln in New York, for which, it was stated in the journals, according to some resolution passed by an association of his own party, he was paid a couple of hundred dollars. The speech should therefore have been deliberate. Lincoln denounced that bill. He places the stamp of his condemnation upon a measure intended to promote the peace and security of confederate States. He is, therefore, an enemy of the human race, and deserves the execration of all mankind.

We demand these five propositions. Are they not right? Are they not just? Take them in detail, and show that they are not warranted by the Constitution, by the safety of our people, by the principles of eternal justice. We will pause and consider them; but mark me, we will not let you decide the question for us. * * *

Senators, the Constitution is a compact. It contains all our obligations and the duties of the Federal Government. I am content and have ever been content to sustain it. While I doubt its perfection, while I do not believe it was a good compact, and while I never saw the day that I would have voted for it as a proposition *de novo*, yet I am bound to it by oath and by that common prudence which would induce men to abide by established forms rather than to rush into unknown dangers. I have given to it, and intend to give to it, unfaltering support and allegiance, but I choose to put that allegiance on the true ground, not on the false idea that anybody's blood was shed for it. I say that the Constitution is the whole compact. All the obligations, all the chains that fetter the limbs of my people, are nominated in the bond, and they wisely excluded any conclusion

against them, by declaring that "the powers not granted by the Constitution to the United States, or forbidden by it to the States, belonged to the States respectively or the people." Now I will try it by that standard; I will subject it to that test. The law of nature, the law of justice, would say—and it is so expounded by the publicists—that equal rights in the common property shall be enjoyed. Even in a monarchy the king cannot prevent the subjects from enjoying equality in the disposition of the public property. Even in a despotic government this principle is recognized. It was the blood and the money of the whole people (says the learned Grotius, and say all the publicists) which acquired the public property, and therefore it is not the property of the sovereign. This right of equality being, then, according to justice and natural equity, a right belonging to all States, when did we give it up? You say Congress has a right to pass rules and regulations concerning the Territory and other property of the United States. Very well. Does that exclude those whose blood and money paid for it? Does "dispose of" mean to rob the rightful owners? You must show a better title than that, or a better sword than we have.

But, you say, try the right. I agree to it. But how? By our judgment? No, not until the last resort. What then; by yours? No, not until the same time. How then try it? The South has always said, by the Supreme Court. But that is in our favor, and Lincoln says he will not stand that judgment. Then each must judge for himself of the mode and manner of redress. But you deny us that privilege, and finally reduce us to accepting your judgment. The Senator from Kentucky comes to your aid, and says he can find no constitutional right of secession. Perhaps not; but the Constitution is not the place to look for State rights. If that right belongs to independent States, and they did not cede it to the Federal Government, it is reserved to the States, or to the people. Ask your new commentator where he gets the right to judge for us. Is it in the bond?

The Northern doctrine was, many years ago, that the Supreme Court was the judge. That was their doctrine in 1800. They denounced Madison for the report of 1799, on the Virginia resolutions; they denounced Jefferson for framing the Kentucky resolutions, because they were presumed to impugn the decisions of the

Supreme Court of the United States; and they declared that that court was made, by the Constitution, the ultimate and supreme arbiter. That was the universal judgment—the declaration of every free State in this Union, in answer to the Virginia resolutions of 1798, or of all who did answer, even including the State of Delaware, then under Federal control.

The Supreme Court have decided that, by the Constitution, we have a right to go to the Territories and be protected there with our property. You say, we cannot decide the compact for ourselves. Well, can the Supreme Court decide it for us? Mr. Lincoln says he does not care what the Supreme Court decides, he will turn us out anyhow. He says this in his debate with the honorable member from Illinois [Mr. Douglas]. I have it before me. He said he would vote against the decision of the Supreme Court. Then you did not accept that arbiter. You will not take my construction; you will not take the Supreme Court as an arbiter; you will not take the practice of the government; you will not take the treaties under Jefferson and Madison; you will not take the opinion of Madison upon the very question of prohibition in 1820. What, then, will you

take? You will take nothing but your own judgment; that is, you will not only judge for yourselves, not only discard the court, discard our construction, discard the practice of the government, but you will drive us out, simply because you will it. Come and do it! You have sapped the foundations of society; you have destroyed almost all hope of peace. In a compact where there is no common arbiter, where the parties finally decide for themselves, the sword alone at last becomes the real, if not the constitutional, arbiter. Your party says that you will not take the decision of the Supreme Court. You said so at Chicago; you said so in committee; every man of you in both Houses says so. What are you going to do? You say *we shall submit to your construction.* We shall do it, if you can make us; but not otherwise, or in any other manner. That is settled. You may call it secession, or you may call it revolution; but there is a big fact standing before you, ready to oppose you—that fact is, freemen with arms in their hands. The cry of the Union will not disperse them; we have passed that point; they demand equal rights; you had better heed the demand.

JOHN PARKER HALE,

OF NEW HAMPSHIRE.

(BORN 1806, DIED 1873.)

ON SECESSION; MODERATE REPUBLICAN OPINION; IN THE UNITED STATES SENATE, DECEMBER 5, 1860.

MR. PRESIDENT:

I was very much in hopes when the message was presented that it would be a document which would commend itself cordially to somebody. I was not so sanguine about its pleasing myself, but I was in hopes that it would be one thing or another. I was in hopes that the President would have looked in the face the crisis in which he says the country is, and that his message would be either one thing or another. But, sir, I have read it somewhat carefully. I listened to it as it was read at the desk; and, if I understand it—and I think I do—it is this: South Carolina has just cause for seceding from the Union; that is the first

proposition. The second is, that she has no right to secede. The third is, that we have no right to prevent her from seceding. That is the President's message, substantially. He goes on to represent this as a great and powerful country, and that no State has a right to secede from it; but the power of the country, if I understand the President, consists in what Dickens makes the English constitution to be—a power to do nothing at all.

Now, sir, I think it was incumbent upon the President of the United States to point out definitely and recommend to Congress some rule of action, and to tell us what he recommended us to do. But, in my judgment, he has entirely avoided it. He has failed to look the thing in the face. He has acted like the ostrich, which hides her head and thereby thinks to escape danger. Sir, the only way to escape danger is to look it in the face. I think the country did expect from the President some exposition of a decided policy; and I confess that, for one, I was rather indifferent as to what that policy was that he recommended; but I hoped that it would be something; that it would be decisive. He has utterly failed in that respect.

I think we may as well look this matter right clearly in the face; and I am not going to be long about doing it. I think that this state of affairs looks to one of two things: it looks to absolute submission, not on the part of our Southern friends and the Southern States, but of the North, to the abandonment of their position,—it looks to a surrender of that popular sentiment which has been uttered through the constituted forms of the ballot-box, or it looks to open war. We need not shut our eyes to the fact. It means war, and it means nothing else; and the State which has put herself in the attitude of secession, so looks upon it. She has asked no council, she has considered it as a settled question, and she has armed herself. As I understand the aspect of affairs, it looks to that, and it looks to nothing else except unconditional submission on the part of the majority. I did not read the paper—I do not read many papers—but I understand that there was a remedy suggested in a paper printed, I think, in this city, and it was that the President and the Vice-President should be inaugurated (that would be a great concession!) and then, being inaugurated, they should quietly resign! Well, sir, I am not entirely certain that that

would settle the question. I think that after the President and Vice-President-elect had resigned, there would be as much difficulty in settling who was to take their places as there was in settling it before.

I do not wish, sir, to say a word that shall increase any irritation; that shall add any feeling of bitterness to the state of things which really exists in the country, and I would bear and forbear before I would say any thing which would add to this bitterness. But I tell you, sir, the plain, true way is to look this thing in the face—see where we are. And I avow here—I do not know whether or not I shall be sustained by those who usually act with me—if the issue which is presented is that the constitutional will of the public opinion of this country, expressed through the forms of the Constitution, will not be submitted to, and war is the alternative, let it come in any form or in any shape. The Union is dissolved and it cannot be held together as a Union, if that is the alternative upon which we go into an election. If it is pre-announced and determined that the voice of the majority, expressed through the regular and constituted forms of the Constitution, will not be submitted to, then, sir, this is

not a Union of equals; it is a Union of a dictatorial oligarchy on one side, and a herd of slaves and cowards on the other. That is it, sir; nothing more, nothing less.

THADDEUS STEVENS,

OF PENNSYLVANIA.

(BORN 1792, DIED 1868.)

ON SECESSION ; RADICAL REPUBLICAN OPINION ; IN THE HOUSE OF REPRESENTATIVES, JANUARY 29, 1861.

THE secession and rebellion of the South have been inculcated as a doctrine for twenty years past among slave-holding communities. At one time the tariff was deemed a sufficient cause ; then the exclusion of slavery from free Territories ; then some violation of the fugitive-slave law. Now the culminating cause is the election of a President who does not believe in the benefits of slavery, or approve of that great missionary enterprise, the slave-trade. The truth is all these things are mere pretences. The restless spirits of the South desire to have a slave empire, and they use these things as excuses. Some of them desire a more brilliant and stronger government than a republic. Their domestic institutions and the social

inequality of their free people naturally prepare them for a monarchy surrounded by a lordly nobility—for a throne founded on the neck of labor.

The men now on the stage of action must determine whether they have courage enough to maintain the institutions which their fathers gave them. This is a great responsibility, but in my judgment not a difficult one. I would certainly not advise the shedding of American blood, except as a last resort. If it should become necessary, I see no difficulty, with the ordinary forces of the United States, to dissipate the rebels, whether of high or low degree.

But before a resort to arms the ordinary tribunals of the country should be tried. There are laws against treason, misprision of treason, murder, and sedition. Many citizens will inquire: Dare we violate these laws? Dare we commit these crimes? Shall we not finally be overtaken by vengeance? I do not say that a State can commit treason. Corporations cannot be hanged. But if a State pass treasonable acts, and individuals attempt to execute them, and thus come in armed collision with the government, they will be guilty of treason, and the State enactments will be no shield, for they will be nullities.

I am aware that the most guilty would be the most likely to escape the proper punishment. The legislators who decreed the conflict and ordered the rebellion would not be apt to be present at the overt act. The civilians would be in council; the soldiers in battle. The passing seditious laws merely, and ordering others to execute them—although moral treason and misprision of treason—is not, in my judgment, treason. "Treason against the United States consists only in levying war against them, or in adhering to their enemies, giving them aid and comfort." In England, even after her great conservative act, the statute of treason, it was not necessary to be present at the overt act or so near as to be able to give physical aid. Conspiring, plotting, and counselling others to do the act, although at a distance, made them principals in treason; for by the common law those who encouraged, advised, or contrived the act, or who gave aid to the felon after the act, were accessories in felonies; but as there could be no accessories in treason, the common law converted such as would have been accessories in felonies into principals in treason. But we have no common law; and those only are traitors who potentially

committed the overt act. Under our Constitution there is neither constructive nor accessorial treason.

South Carolina (and when I speak of South Carolina I mean to include under that name all seceding States, to avoid prolixity, and thus what I say of her shall apply to all that have seceded or may secede) has, with others, declared herself out of the Union; and no doubt fancies that she is so. What ought to be done? Send no armies there to wage civil war, as alarmists pretend. The general government should annul all postal laws within her territory, and stop the mails at the line of the State. Let the revenue laws be executed, and the money paid into the Treasury; it will help to pay the expenses caused by the refractory member, and leave the new empire to direct taxation to support their great burden. How long the people will submit to this cannot be told to a mathematical certainty. Not long, I predict.

If the revenue could not be thus collected, and smuggling prevented, the government should abolish all laws establishing ports of entry and collection districts within the seceding States, and prevent all vessels, foreign or

domestic, from entering or leaving any of their ports. How will she send her cotton and other surplus products abroad? She cannot load a vessel in her own harbors, for there are no national officers to give her a clearance. The vessel would be without papers, without nationality, and a prize to the first captor. How forlorn must be her condition! Without commerce, without industry, her seaports would be barren wastes. With a flag recognized by no civilized nation; with no vessel entering her ports, except now and then a low black schooner scudding in from the river Congo; with no ally or sympathizer except the king of Dahomey.

If these States will have war, who is to protect them against their own domestic foes? They now tremble when a madman and a score of followers invade them. If a citizen declare his opposition to slavery, they hang him; and declare, as a justification, that it is necessary for their personal safety; because they say they are standing on the thin crust of a raging volcano, which the least jar will crack, and plunge them in. How, then, will it withstand the booming of cannon and the clash of arms?

Sir, the attempt of one or more of these cot-

ton States to force this government to dissolve the Union is absurd. Those who counsel the government to let them go, and destroy the national Union, are preaching moral treason. I can understand such doctrine from those who conscientiously dislike a partnership in slave-holding—who desire to see this empire severed along the black line, so that they could live in a free republic. Let no slave State flatter itself that it can dissolve the Union now, and then reconstruct it on better terms. The present Constitution was formed in our weakness. Some of its compromises were odious, and have become more so by the unexpected increase of slaves, who were expected soon to run out. But now, in our strength, the conscience of the North would not allow them to enter into such partnership with slave-holding. If this Union be dissolved, its reconstruction would embrace one empire wholly slave-holding, or one republic wholly free. While we will religiously observe the present compact, not attempt to be absolved from it, yet if it should be torn to pieces by rebels, our next United States will contain no foot of ground on which a slave can tread, no breath of air which a slave can breathe. Then we can boast of liberty. Then we can

rise and expand to the full stature of untrammelled freemen, and hope for God's blessings. Then the bondmen who break their chains will find a city of refuge. Our neighboring slave empire must consider how it will affect their peculiar institution. They will be surrounded by freedom, with the civilized world scowling upon them.

Much as I dislike the responsibility and reproach of slavery, I recoil from such a remedy. Let us be patient, faithful to all constitutional engagements, and await the time of the Disposer of events. Let us not destroy this grand fabric of freedom, which, when once dissolved, will never be rebuilt. Let there be no blood shed until the last moment ; but let no cowardly counsels unnerve the people ; and then, at last, if needs be, let every one be ready to gird on his armor, and do his duty.

SAMUEL SULLIVAN COX,

OF OHIO.

(BORN 1824.)

ON SECESSION ; DOUGLAS DEMOCRATIC OPINION ;
IN THE HOUSE OF REPRESENTATIVES,
JANUARY 14, 1861.

MR. CHAIRMAN:

I speak from and for the capital of the greatest of the States of the great West. That potential section is beginning to be appalled at the colossal strides of revolution. It has immense interests at stake in this Union, as well from its position as its power and patriotism. We have had infidelity to the Union before, but never in such a fearful shape. We had it in the East during the late war with England. Even so late as the admission of Texas, Massachusetts resolved herself out of the Union. That resolution has never been repealed, and one would infer, from much of her conduct, that she did not regard herself as bound by our covenant. Since 1856, in the North, we have had infidelity

to the Union, more insidious infractions of the Constitution than by open rebellion. Now, sir, as a consequence, in part, of these very infractions, we have rebellion itself, open and daring, in terrific proportions, with dangers so formidable as to seem almost remediless.

I would not exaggerate the fearful consequences of dissolution. It is the breaking up of a federative Union, but it is not like the breaking up of society. It is not anarchy. A link may fall from the chain, and the link may still be perfect, though the chain have lost its length and its strength. In the uniformity of commercial regulations, in matters of war and peace, postal arrangements, foreign relations, coinage, copyrights, tariff, and other Federal and national affairs, this great government may be broken; but in most of the essential liberties and rights which government is the agent to establish and protect, the seceding State has no revolution, and the remaining States can have none. This arises from that refinement of our polity which makes the States the basis of our instituted labor. Greece was broken by the Persian power, but her municipal institutions remained. Hungary lost her national crown, but her home institutions

remain. South Carolina may preserve her constituted domestic authority, but she must be content to glimmer obscurely remote rather than shine and revolve in a constellated band. She even goes out by the ordinance of a so-called sovereign convention, content to lose by her isolation that youthful, vehement, exultant, progressive life, which is our NATIONALITY! She foregoes the hopes, the boasts, the flag, the music, all the emotions, all the traits, and all the energies which, when combined in our United States, have won our victories in war and our miracles of national advancement. Her Governor, Colonel Pickens, in his inaugural, regretfully "looks back upon the inheritance South Carolina had in the common glories and triumphant power of this wonderful confederacy, and fails to find language to express the feelings of the human heart as he turns from the contemplation." The ties of brotherhood, interest, lineage, and history are all to be severed. No longer are we to salute a South Carolinian with the "*idem sententiam de republica*," which makes unity and nationality. What a *prestige* and glory are here dimmed and lost in the contaminated reason of man!

Can we realize it? Is it a masquerade, to

last for a night, or a reality to be dealt with, with the world's rough passionate handling? It is sad and bad enough; but let us not overtax our anxieties about it as yet, It is not the sanguinary regimen of the French revolution; not the rule of assignats and guillotine; not the cry of "*Vivent les Rouges! A mort les gendarmes!*" but as yet, I hope I may say, the peaceful attempt to withdraw from the burdens and benefits of the Republic. Thus it is unlike every other revolution. Still it is revolution. It may, according as it is managed, involve consequences more terrific than any revolution since government began.

If the Federal Government is to be maintained, its strength must not be frittered away by conceding the theory of secession. To concede secession as a right, is to make its pathway one of roses and not of thorns. I would not make its pathway so easy. If the government has any strength for its own preservation, the people demand it should be put forth in its civil and moral forces. Dealing, however, with a sensitive public sentiment, in which this strength reposes, it must not be rudely exercised. It should be the iron hand in the glove of velvet. Firmness should be allied with kind-

ness. Power should assert its own prerogative, but in the name of law and love. If these elements are not thus blended in our policy, as the Executive proposes, our government will prove either a garment of shreds or a coat of mail. We want neither. * * *

Before we enter upon a career of force, let us exhaust every effort at peace. Let us seek to excite love in others by the signs of love in ourselves. Let there be no needless provocation and strife. Let every reasonable attempt at compromise be considered. Otherwise we have a terrible alternative. War, in this age and in this country, sir, should be the *ultima ratio*. Indeed, it may well be questioned whether there is any reason in it for war. What a war! Endless in its hate, without truce and without mercy. If it ended ever, it would only be after a fearful struggle; and then with a heritage of hate which would forever forbid harmony. * * *

Small States and great States; new States and old States; slave States and free States; Atlantic States and Pacific States; gold and silver States; iron and copper States; grain States and lumber States; river States and lake States;—all having varied interests and

advantages, would seek superiority in armed strength. Pride, animosity, and glory would inspire every movement. God shield our country from such a fulfilment of the prophecy of the revered founders of the Union! Our struggle would be no short, sharp struggle. Law, and even religion herself, would become false to their divine purpose. Their voice would no longer be the voice of God, but of his enemy. Poverty, ignorance, oppression, and its handmaid, cowardice, breaking out into merciless cruelty; slaves false; freemen slaves, and society itself poisoned at the cradle and dishonored at the grave;—its life, now so full of blessings, would be gone with the life of a fraternal and united Statehood. What sacrifice is too great to prevent such a calamity? Is such a picture overdrawn? Already its outlines appear. What means the inaugural of Governor Pickens, when he says: "From the position we may occupy toward the Northern States, as well as from our own internal structure of society, the government may, *from necessity, become strongly military* in its organization"? What mean the minute-men of Governor Wise? What the Southern boast that they have a rifle or shot-gun to each family?

What means the Pittsburgh mob? What this alacrity to save Forts Moultrie and Pinckney? What means the boast of the Southern men of being the best-armed people in the world, not counting the two hundred thousand stand of United States arms stored in Southern arsenals? Already Georgia has her arsenals, with eighty thousand muskets. What mean these lavish grants of money by Southern Legislatures to buy more arms? What mean these rumors of arms and force on the Mississippi? * * *

Mr. Speaker, he alone is just to his country; he alone has a mind unwarped by section, and a memory unparalyzed by fear, who warns against precipitancy. He who could hurry this nation to the rash wager of battle is not fit to hold the seat of legislation. What can justify the breaking up of our institutions into belligerent fractions? Better this marble Capitol were levelled to the dust; better were this Congress struck dead in its deliberations; better an immolation of every ambition and passion which here have met to shake the foundations of society than the hazard of these consequences! * * * I appeal to Southern men, who contemplate a step so fraught with hazard and strife, to pause. Clouds are about us!

There is lightning in their frown! Cannot we direct it harmlessly to the earth? The morning and evening prayer of the people I speak for in such weakness rises in strength to that Supreme Ruler who, in noticing the fall of a sparrow, cannot disregard the fall of a nation, that our States may continue to be as they have been—*one;* one in the unreserve of a mingled national being; one as the thought of God is one!

VII.

CIVIL WAR AND RECONSTRUCTION.

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THE transformation of the original secession movement into a *de facto* nationality made war inevitable, but acts of war had already taken place, with or without State authority. Seizures of forts, arsenals, mints, custom-houses, and navy yards, and captures of Federal troops, had completely extinguished the authority of the United States in the secession area, except at Fort Sumter in South Carolina, and Fort Pickens and the forts at Key West in Florida; and active operations to reduce these had been begun. When an attempt was made, late in January, 1861, to provision Fort Sumter, the provision steamer, *Star of the West*, was fired on by the South Carolina batteries and driven back. Nevertheless, the Buchanan administra-

tion succeeded in keeping the peace until its constitutional expiration in March, 1861, although the rival and irreconcilable administration at Montgomery was busily engaged in securing its exclusive authority in the seceding States.

Neither of the two incompatible administrations was anxious to strike the first blow. Mr. Lincoln's administration began with the policy outlined in his inaugural address, that of insisting on collection of the duties on imports, and avoiding all other irritating measures. Mr. Seward, Secretary of State, even talked of compensating for the loss of the seceding States by admissions from Canada and elsewhere. The urgent needs of Fort Sumter, however, soon forced an attempt to provision it; and this brought on a general attack upon it by the Confederate batteries around it. After a bombardment of two days, and a vigorous defence by the fort, in which no one was killed on either side, the fort surrendered, April 14, 1861. It was now impossible for the United States to

ignore the Confederate States any longer. President Lincoln issued a call for volunteers, and a proclamation announcing a blockade of the coast of the seceding States. A similar call on the other side and the issue of letters of marque and reprisal against the commerce of the United States were followed by an act of the Confederate Congress formally recognizing the existence of war with the United States. The two powers were thus locked in a struggle for life or death, the Confederate States fighting for existence and recognition, the United States for the maintenance of recognized boundaries and jurisdiction; the Confederate States claiming to be at war with a foreign power, the United States to be engaged in the suppression of individual resistance to the laws. The event was to decide between the opposing claims; and it was certain that the event must be the absolute extinction of either the Confederate States or the United States within the area of secession.

President Lincoln called Congress together

in special session, July 4, 1861; and Congress at once undertook to limit the scope of the war in regard to two most important points, slavery and State rights. Resolutions passed both Houses, by overwhelming majorities, that slavery in the seceding States was not to be interfered with, that the autonomy of the States themselves was to be strictly maintained, and that, when the Union was made secure, the war ought to cease. If the war had ended in that month, these resolutions would have been of some value; every month of the extension of the war made them of less value. They were repeatedly offered afterward from the Democratic side, but were as regularly laid on the table. Their theory, however, continued to control the Democratic policy to the end of the war.

For a time the original policy was to all appearance unaltered. The war was against individuals only; and peace was to be made with individuals only, the States remaining untouched, but the Confederate States being

blotted out in the process. The only requisite to recognition of a seceding State was to be the discovery of enough loyal or pardoned citizens to set its machinery going again. Thus the delegates from the forty western counties of Virginia were recognized as competent to give the assent of Virginia to the erection of the new State of West Virginia; and the Senators and Representatives of the new State actually sat in judgment on the reconstruction of the parent State, although the legality of the parent government was the evident measure of the constitutional existence of the new State. Such inconsistencies were the natural results of the changes forced upon the Federal policy by the events of the war, as it grew wider and more desperate.

The first of these changes was the inevitable attack upon slavery. The labor system of the seceding States was a mark so tempting that no belligerent should have been seriously expected to have refrained from aiming at it. January 1, 1863, after one hundred days' notice,

President Lincoln issued his Emancipation Proclamation, freeing the slaves within the enemy's lines as rapidly as the Federal arms should advance. This one break in the original policy involved, as possible consequences, all the ultimate steps of reconstruction. Readmission was no longer to be a simple restoration; abolition of slavery was to be a condition-precedent which the government could never abandon. If the President could impose such a condition, who was to put bounds to the power of Congress to impose limitations on its part? The President had practically declared, contrary to the original policy, that the war should continue until slavery was abolished; what was to hinder Congress from declaring that the war should continue until, in its judgment, the last remnants of the Confederate States were satisfactorily blotted out? This, in effect, was the basis of reconstruction, as finally carried out. The steady opposition of the Democrats only made the final terms the harder.

The principle urged consistently from the beginning of the war by Thaddeus Stevens, of Pennsylvania, was that serious resistance to the Constitution implied the suspension of the Constitution in the area of resistance. No one, he insisted, could truthfully assert that the Constitution of the United States was then in force in South Carolina; why should Congress be bound by the Constitution in matters connected with South Carolina? If the resistance should be successful, the suspension of the Constitution would evidently be perpetual; Congress alone could decide when the resistance had so far ceased that the operations of the Constitution could be resumed. The terms of readmission were thus to be laid down by Congress. To much the same effect was the different theory of Charles Sumner, of Massachusetts. While he held that the seceding States could not remove themselves from the national jurisdiction, except by successful war, he maintained that no Territory was obliged to become a State, and that no State was

obliged to remain a State; that the seceding States had repudiated their State-hood, had committed suicide as States, and had become Territories; and that the powers of Congress to impose conditions on their readmission were as absolute as in the case of other Territories. Neither of these theories was finally followed out in reconstruction, but both had a strong influence on the final process.

President Lincoln followed the plan subsequently completed by Johnson. The original (Pierpont) government of Virginia was recognized and supported. Similar governments were established in Tennessee, Louisiana, and Arkansas, and an unsuccessful attempt was made to do so in Florida. The amnesty proclamation of December, 1863, offered to recognize any State government in the seceding States formed by one tenth of the former voters who should take the oath of loyalty and support of the emancipation measures. At the following session of Congress, the first bill providing for congressional supervision of the re-

admission of the seceding States was passed, but the President retained it without signing it until Congress had adjourned. At the time of President Lincoln's assassination Congress was not in session, and President Johnson had six months in which to complete the work. Provisional governors were appointed, conventions were called, the State constitutions were amended by the abolition of slavery and the repudiation of the war debt, and the ordinances of secession were either voided or repealed. When Congress met in December, 1865, the work had been completed, the new State governments were in operation, and the XIIIth Amendment, abolishing slavery, had been ratified by aid of their votes. Congress, however, still refused to admit their Senators or Representatives. The first action of many of the new governments had been to pass labor, contract, stay, and vagrant laws which looked much like a re-establishment of slavery, and the majority in Congress felt that further guarantees for the security of the freedmen were necessary before the war could be truly said to be over.

Early in 1866 President Johnson imprudently carried matters into an open quarrel with Congress, which united the two thirds Republican majority in both Houses against him. The elections of the autumn of 1866 showed that the two thirds majorities were to be continued through the next Congress; and in March, 1867, the first Reconstruction Act was passed over the veto. It declared the existing governments in the seceding States to be provisional only; put the States under military governors until State conventions, elected with negro suffrage and excluding the classes named in the proposed XIVth Amendment, should form a State government satisfactory to Congress, and the State government should ratify the XIVth Amendment; and made this rule of suffrage imperative in all elections under the provisional governments until they should be readmitted. This was a semi-voluntary reconstruction. In the same month the new Congress, which met immediately on the adjournment of its predecessor, passed a supplementary act. It directed

the military governors to call the conventions before September 1st following, and thus enforced an involuntary reconstruction.

Tennessee had been readmitted in 1866. North Carolina, South Carolina, Florida, Alabama, Louisiana, and Arkansas were reconstructed under the acts, and were readmitted in 1868. Georgia was also readmitted, but was remanded again for expelling negro members of her Legislature, and came in under the secondary terms. Virginia, Georgia, Mississippi, and Texas, which had refused or broken the first terms, were admitted in 1870, on the additional terms of ratifying the XVth Amendment, which forbade the exclusion of the negroes from the elective franchise.

In Georgia the white voters held control of their State from the beginning. In the other seceding States the government passed, at various times and by various methods during the next six years after 1871, under control of the whites, who still retain control. One of the avowed objects of reconstruction has thus

failed; but, to one who does not presume that all things will be accomplished at a single leap, the scheme, in spite of its manifest blunders and crudities, must seem to have had a remarkable success. Whatever the political status of the negro may now be in the seceding States, it may be confidently affirmed that it is far better than it would have been in the same time under an unrestricted readmission. The whites, all whose energies have been strained to secure control of their States, have been glad, in return for this success to yield a measure of other civil rights to the freedmen, which is already fuller than ought to have been hoped for in 1867. And, as the general elective franchise is firmly imbedded in the organic law, its ultimate concession will come more easily and gently than if it were then an entirely new step.

During this long period of almost continuous exertion of national power there were many subsidiary measures, such as the laws authorizing the appointment of supervisors for congressional elections, and the use of Federal troops

as a *posse comitatus* by Federal supervisors, which were not at all in line with the earlier theory of the division between Federal and State powers. The Democratic party gradually abandoned its opposition to reconstruction, accepting it as a disagreeable but accomplished fact, but kept up and increased its opposition to the subsidiary measures. About 1876–7 a reaction became evident, whose ultimate results are not yet so clear as to make them a part of the political history of the country. As some example of the spirit of the two opposing classes of feeling, two specimens have been extracted from the "rider" debates of 1879.

Foreign affairs are not strictly a part of our subject; but, as going to show one of the dangerous features of the Civil War, the possibility of the success of the secession sentiment in England in obtaining the intervention of that country, the speech of Mr. Beecher in Liverpool, with the addenda of his audience, has been given.

Finally, the spirit of the new South, whose

paramount ascendency is the hope of that section, is most fitly represented by a sermon of President Haygood, of Georgia, in 1880. A comparison with the speech of Mr. Toombs, in 1860, will be a basis for a realization of the enormous changes of twenty years.

ABRAHAM LINCOLN,

OF ILLINOIS.

(BORN 1809, DIED 1865.)

FIRST INAUGURAL ADDRESS, MARCH 4, 1861.

FELLOW CITIZENS OF THE UNITED STATES:

In compliance with a custom as old as the government itself, I appear before you to address you briefly, and to take in your presence the oath prescribed by the Constitution of the United States to be taken by the President "before he enters on the execution of his office."

I do not consider it necessary at present for me to discuss those matters of administration about which there is no special anxiety or excitement.

Apprehension seems to exist, among the people of the Southern States, that by the accession of a Republican administration their property and their peace and personal security are to be endangered. There never has been

any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches when I declare that "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." Those who nominated and elected me did so with full knowledge that I had made this and many similar declarations, and had never recanted them. And more than this, they placed in the platform for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read:-

"*Resolved*, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its judgment exclusively, is essential to the balance of power on which the perfection and endurance of our political fabric depend, and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter

under what pretext, as among the gravest of crimes."

I now reiterate these sentiments; and, in doing so, I only press upon the public attention the most conclusive evidence of which the case is susceptible, that the property, peace, and security of no section are to be in any wise endangered by the now incoming administration. I add, too, that all the protection which, consistently with the Constitution and the laws, can be given, will be cheerfully given to all the States, when lawfully demanded, for whatever cause, as cheerfully to one section as to another.

There is much controversy about the delivering up of fugitives from service or labor. The clause I now read is as plainly written in the Constitution as any other of its provisions:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

It is scarcely questioned that this provision was intended by those who made it for the reclaiming of what we call fugitive slaves; and

the intention of the lawgiver is the law. All members of Congress swear their support to the whole Constitution—to this provision as much as any other. To the proposition, then, that slaves whose cases come within the terms of this clause, "shall be delivered up," their oaths are unanimous. Now, if they would make the effort in good temper, could they not, with nearly equal unanimity, frame and pass a law by means of which to keep good that unanimous oath?

There is some difference of opinion whether this clause should be enforced by National or by State authority; but surely that difference is not a very material one. If the slave is to be surrendered, it can be of but little consequence to him, or to others, by what authority it is done. And should any one, in any case, be content that his oath should go unkept, on a mere unsubstantial controversy as to how it shall be kept?

Again, in any law upon this subject, ought not all the safeguards of liberty known in civilized and humane jurisprudence to be introduced, so that a free man be not, in any case, surrendered as a slave? And might it not be well, at the same time, to provide by law for

the enforcement of that clause of the Constitution which guarantees that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States"?

I take the official oath to-day with no mental reservation, and with no purpose to construe the Constitution or laws by any hypercritical rules. And while I do not choose now to specify particular acts of Congress as proper to be enforced, I do suggest that it will be much safer for all, both in official and private stations, to conform to and abide by all those acts which stand unrepealed, than to violate any of them, trusting to find impunity in having them held to be unconstitutional.

It is seventy-two years since the first inauguration of a President under our National Constitution. During that period, fifteen different and greatly distinguished citizens have, in succession, administered the Executive branch of the government. They have conducted it through many perils, and generally with great success. Yet, with all this scope for precedent, I now enter upon the same task for the brief constitutional term of four years, under great and peculiar difficulty. A disruption of the

Federal Union, heretofore only menaced, is now formidably attempted.

I hold that in contemplation of universal law, and of the Constitution, *the Union of these States is perpetual.* Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our National Government, and the Union will endure forever—it being impossible to destroy it, except by some action not provided for in the instrument itself.

Again, if the United States be not a government proper, but an association of States in the nature of contract merely, can it, as a contract, be peaceably unmade by less than all the parties who made it? One party to a contract may violate it—break it, so to speak; but does it not require all to lawfully rescind it?

Descending from these general principles, we find the proposition that, in legal contemplation, the Union is perpetual, confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774.

It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And, finally, in 1787, one of the declared objects for ordaining and establishing the Constitution was "to form a more perfect union."

But if destruction of the Union, by one, or by a part only, of the States, be lawfully possible, the Union is less perfect than before, the Constitution having lost the vital element of perpetuity.

It follows, from these views, that no State, upon its own mere motion, can lawfully get out of the Union; that resolves and ordinances to that effect are legally void; and that acts of violence within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances.

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken, and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faith-

fully executed in all the States. Doing this I deem to be only a simple duty on my part; and I shall perform it, so far as practicable, unless my rightful masters, the American people, shall withhold the requisite means, or, in some authoritative manner, direct the contrary. I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it will constitutionally defend and maintain itself. In doing this there need be no bloodshed or violence; and there shall be none, unless it be forced upon the National authority. The power confided to me will be used to hold, occupy, and possess the property and places belonging to the government, and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion, no using of force against or among the people anywhere. Where hostility to the United States, in any interior locality, shall be so great and universal as to prevent competent resident citizens from holding the Federal offices, there will be no attempt to force obnoxious strangers among the people for that object. While the strict legal right may exist in the government to enforce the exercise of these offices, the attempt to do so would be

so irritating, and so nearly impracticable withal, that I deem it better to forego, for the time, the uses of such offices.

The mails, unless repelled, will continue to be furnished in all parts of the Union. So far as possible, the people everywhere shall have that sense of perfect security which is most favorable to calm thought and reflection. The course here indicated will be followed, unless current events and experience shall show a modification or change to be proper, and in every case and exigency my best discretion will be exercised, according to circumstances actually existing, and with a view and a hope of a peaceful solution of the National troubles, and the restoration of fraternal sympathies and affections.

That there are persons in one section or another who seek to destroy the Union at all events, and are glad of any pretext to do it, I will neither affirm nor deny; but if there be such, I need address no word to them. To those, however, who really love the Union, may I not speak?

Before entering upon so grave a matter as the destruction of our National fabric, with all its benefits, its memories, and its hopes, would

it not be wise to ascertain why we do it? Will you hazard so desperate a step while there is any possibility that any portion of the certain ills you fly from have no real existence? Will you, while the certain ills you fly to are greater than all the real ones you fly from,—will you risk the omission of so fearful a mistake?

All profess to be content in the Union, if all constitutional rights can be maintained. Is it true, then, that any right, plainly written in the Constitution, has been denied? I think not. Happily the human mind is so constituted that no party can reach to the audacity of doing this. Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied. If, by the mere force of numbers, a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution—certainly would if such right were a vital one. But such is not our case. All the vital rights of minorities and of individuals are so plainly assured to them by affirmations and negations, guaranties and prohibitions in the Constitution, that controversies never arise concerning them. But no organic law can ever be framed with a provision specifically applicable

to every question which may occur in practical administration. No foresight can anticipate, nor any document of reasonable length contain, express provisions for all possible questions. Shall fugitives from labor be surrendered by National or State authority? The Constitution does not expressly say. May Congress prohibit slavery in the Territories? The Constitution does not expressly say. Must Congress protect slavery in the Territories? The Constitution does not expressly say.

From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities. If the minority will not acquiesce, the majority must, or the government must cease. There is no other alternative; for continuing the government is acquiescence on one side or the other. If a minority in such case will secede rather than acquiesce, they make a precedent which, in turn, will divide and ruin them; for a minority of their own will secede from them whenever a majority refuses to be controlled by such a minority. For instance, why may not any portion of a new confederacy, a year or two hence, arbitrarily secede again, precisely as portions of the present Union now claim to

secede from it? All who cherish disunion sentiments are now being educated to the exact temper of doing this.

Is there such perfect identity of interests among the States to compose a new Union, as to produce harmony only, and prevent renewed secession?

Plainly, the central idea of secession is the essence of anarchy. A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it, does, of necessity, fly to anarchy or to despotism. Unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholy inadmissible; so that, rejecting the majority principle, anarchy or despotism, in some form, is all that is left. * * *

Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence and beyond the reach of each other; but the different parts of our country cannot do this. They cannot but remain face to face, and intercourse, either

amicable or hostile, must continue between them. It is impossible, then, to make that intercourse more advantageous or more satisfactory after separation than before. Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can among friends? Suppose you go to war, you cannot fight always, and when after much loss on both sides and no gain on either you cease fighting, the identical old questions as to terms of intercourse are again upon you.

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it. I cannot be ignorant of the fact that many worthy and patriotic citizens are desirous of having the National Constitution amended. * * * I understand a proposed amendment to the Constitution—which amendment, however, I have not seen—has passed Congress, to the effect that the Federal Government shall never interfere with the domestic institutions of the States, including that of persons held to service. To avoid

misconstruction of what I have said, I depart from my purpose not to speak of particular amendments, so far as to say that, holding such a provision now to be implied constitutional law, I have no objections to its being made express and irrevocable.

The Chief Magistrate derives all his authority from the people, and they have conferred none upon him to fix terms for the separation of the States. The people themselves can do this also if they choose, but the Executive, as such, has nothing to do with it. His duty is to administer the present government as it came to his hands, and to transmit it, unimpaired by him, to his successor. Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? In our present differences is either party without faith of being in the right? If the Almighty Ruler of Nations, with his eternal truth and justice, be on your side of the North, or yours of the South, that truth and that justice will surely prevail, by the judgment of this great tribunal of the American people. By the frame of the Government under which we live, the same people have wisely given their public servants but little

power for mischief, and have with equal wisdom provided for the return of that little to their own hands at very short intervals. While the people retain their virtue and vigilance, no administration, by any extreme of wickedness or folly, can very seriously injure the government in the short space of four years.

My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to hurry any of you in hot haste to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied still have the old Constitution unimpaired, and on the sensitive point, the laws of your own framing under it; while the new Administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied hold the right side in this dispute there is still no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land are still competent to adjust in the best way all our present difficulty. In your hands, my dissatis-

fied fellow-countrymen, and not in mine, are the momentous issues of civil war. The government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in Heaven to destroy the government, while I shall have the most solemn one to "preserve, protect, and defend" it.

I am loth to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break, our bonds of affection. The mystic cords of memory, stretching from every battle-field and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature.

JEFFERSON DAVIS,

OF MISSISSIPPI.

(BORN 1808.)

INAUGURAL ADDRESS, MONTGOMERY, ALA., FEBRUARY 18, 1861.

GENTLEMEN OF THE CONGRESS OF THE CONFEDERATE STATES OF AMERICA, FRIENDS, AND FELLOW-CITIZENS:

Our present condition, achieved in a manner unprecedented in the history of nations, illustrates the American idea that governments rest upon the consent of the governed, and that it is the right of the people to alter and abolish governments whenever they become destructive to the ends for which they were established. The declared compact of the Union from which we have withdrawn was to establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity; and when in the judgment

of the sovereign States now composing this Confederacy it has been perverted from the purposes for which it was ordained, and ceased to answer the ends for which it was established, a peaceful appeal to the ballot-box declared that, so far as they were concerned, the government created by that compact should cease to exist. In this they merely asserted the right which the Declaration of Independence of 1776 defined to be inalienable. Of the time and occasion of this exercise they as sovereigns were the final judges, each for himself. The impartial, enlightened verdict of mankind will vindicate the rectitude of our conduct; and He who knows the hearts of men will judge of the sincerity with which we labored to preserve the government of our fathers in its spirit.

The right solemnly proclaimed at the birth of the States, and which has been affirmed and reaffirmed in the bills of rights of the States subsequently admitted into the Union of 1789, undeniably recognizes in the people the power to resume the authority delegated for the purposes of government. Thus the sovereign States here represented proceeded to form this Confederacy; and it is by the abuse of language that their act has been denominated

revolution. They formed a new alliance, but within each State its government has remained. The rights of person and property have not been disturbed. The agent through whom they communicated with foreign nations is changed, but this does not necessarily interrupt their international relations. Sustained by the consciousness that the transition from the former Union to the present Confederacy has not proceeded from a disregard on our part of our just obligations or any failure to perform every constitutional duty, moved by no interest or passion to invade the rights of others, anxious to cultivate peace and commerce with all nations, if we may not hope to avoid war, we may at least expect that posterity will acquit us of having needlessly engaged in it. Doubly justified by the absence of wrong on our part, and by wanton aggression on the part of others, there can be no use to doubt the courage and patriotism of the people of the Confederate States will be found equal to any measure of defence which soon their security may require.

An agricultural people, whose chief interest is the export of a commodity required in every manufacturing country, our true policy is peace

and the freest trade which our necessities will permit. It is alike our interest and that of all those to whom we would sell and from whom we would buy, that there should be the fewest practicable restrictions upon the interchange of commodities. There can be but little rivalry between ours and any manufacturing or navigating community, such as the northeastern States of the American Union. It must follow, therefore, that mutual interest would invite good-will and kind offices. If, however, passion or lust of dominion should cloud the judgment or inflame the ambition of those States, we must prepare to meet the emergency, and maintain by the final arbitrament of the sword the position which we have assumed among the nations of the earth.

We have entered upon a career of independence, and it must be inflexibly pursued through many years of controversy with our late associates of the Northern States. We have vainly endeavored to secure tranquillity and obtain respect for the rights to which we were entitled. As a necessity, not a choice, we have resorted to the remedy of separation, and henceforth our energies must be directed to the conduct of our own affairs, and the perpetuity of the Con-

federacy which we have formed. If a just perception of mutual interest shall permit us peaceably to pursue our separate political career, my most earnest desire will have been fulfilled. But if this be denied us, and the integrity of our territory and jurisdiction be assailed, it will but remain for us with firm resolve to appeal to arms and invoke the blessing of Providence on a just cause. * * *

Actuated solely by a desire to preserve our own rights, and to promote our own welfare, the separation of the Confederate States has been marked by no aggression upon others, and followed by no domestic convulsion. Our industrial pursuits have received no check, the cultivation of our fields progresses as heretofore, and even should we be involved in war, there would be no considerable diminution in the production of the staples which have constituted our exports, in which the commercial world has an interest scarcely less than our own. This common interest of producer and consumer can only be intercepted by an exterior force which should obstruct its transmission to foreign markets, a course of conduct which would be detrimental to manufacturing and commercial interests abroad.

Should reason guide the action of the government from which we have separated, a policy so detrimental to the civilized world, the Northern States included, could not be dictated by even a stronger desire to inflict injury upon us; but if it be otherwise, a terrible responsibility will rest upon it, and the suffering of millions will bear testimony to the folly and wickedness of our aggressors. In the meantime there will remain to us, besides the ordinary remedies before suggested, the well-known resources for retaliation upon the commerce of an enemy. * * * We have changed the constituent parts but not the system of our government. The Constitution formed by our fathers is that of these Confederate States. In their exposition of it, and in the judicial construction it has received, we have a light which reveals its true meaning. Thus instructed as to the just interpretation of that instrument, and ever remembering that all offices are but trusts held for the people, and that delegated powers are to be strictly construed, I will hope by due diligence in the performance of my duties, though I may disappoint your expectation, yet to retain, when retiring, something of the good-will and confidence which will welcome my entrance into office.

It is joyous in the midst of perilous times to look around upon a people united in heart, when one purpose of high resolve animates and actuates the whole, where the sacrifices to be made are not weighed in the balance, against honor, right, liberty, and equality. Obstacles may retard, but they cannot long prevent, the progress of a movement sanctioned by its justice and sustained by a virtuous people. Reverently let us invoke the God of our fathers to guide and protect us in our efforts to perpetuate the principles which by His blessing they were able to vindicate, establish, and transmit to their posterity; and with a continuance of His favor, ever gratefully acknowledged, we may hopefully look forward to success, to peace, to prosperity.

ALEXANDER HAMILTON STEPHENS,

OF GEORGIA.

(BORN 1812, DIED 1884.)

THE "CORNER-STONE" ADDRESS; ATHENÆUM, SAVANNAH, GA., MARCH 21, 1861.

MR. MAYOR AND GENTLEMEN:

We are in the midst of one of the greatest epochs in our history. The last ninety days will mark one of the most interesting eras in the history of modern civilization. Seven States have in the last three months thrown off an old government and formed a new. This revolution has been signally marked, up to this time, by the fact of its having been accomplished without the loss of a single drop of blood. This new constitution, or form of government, constitutes the subject to which your attention will be partly invited.

In reference to it, I make this first general remark: it amply secures all our ancient rights, franchises, and liberties. All the great princi-

ples of Magna Charta are retained in it. No citizen is deprived of life, liberty, or property, but by the judgment of his peers under the laws of the land. The great principle of religious liberty, which was the honor and pride of the old Constitution, is still maintained and secured. All the essentials of the old Constitution, which have endeared it to the hearts of the American people, have been preserved and perpetuated. Some changes have been made. Some of these I should prefer not to have seen made; but other important changes do meet my cordial approbation. They form great improvements upon the old Constitution. So, taking the whole new constitution, I have no hesitancy in giving it as my judgment that it is decidedly better than the old.

Allow me briefly to allude to some of these improvements. The question of building up class interests, or fostering one branch of industry to the prejudice of another under the exercise of the revenue power, which gave us so much trouble under the old Constitution, is put at rest forever under the new. We allow the imposition of no duty with a view of giving advantage to one class of persons, in any trade or business, over those of another. All, under

our system, stand upon the same broad principles of perfect equality. Honest labor and enterprise are left free and unrestricted in whatever pursuit they may be engaged. This old thorn of the tariff, which was the cause of so much irritation in the old body politic, is removed forever from the new.

Again, the subject of internal improvements, under the power of Congress to regulate commerce, is put at rest under our system. The power, claimed by construction under the old Constitution, was at least a doubtful one ; it rested solely upon construction. We of the South, generally apart from considerations of constitutional principles, opposed its exercise upon grounds of its inexpediency and injustice. * * * Our opposition sprang from no hostility to commerce, or to all necessary aids for facilitating it. With us it was simply a question upon whom the burden should fall. In Georgia, for instance, we have done as much for the cause of internal improvements as any other portion of the country, according to population and means. We have stretched out lines of railroad from the seaboard to the mountains ; dug down the hills, and filled up the valleys, at a cost of $25,000,000. * * * No State was in greater need

of such facilities than Georgia, but we did not ask that these works should be made by appropriations out of the common treasury. The cost of the grading, the superstructure, and the equipment of our roads was borne by those who had entered into the enterprise. Nay, more, not only the cost of the iron—no small item in the general cost—was borne in the same way, but we were compelled to pay into the common treasury several millions of dollars for the privilege of importing the iron, after the price was paid for it abroad. What justice was there in taking this money, which our people paid into the common treasury on the importation of our iron, and applying it to the improvement of rivers and harbors elsewhere? The true principle is to subject the commerce of every locality to whatever burdens may be necessary to facilitate it. If Charleston harbor needs improvement, let the commerce of Charleston bear the burden. * * * This, again, is the broad principle of perfect equality and justice; and it is especially set forth and established in our new constitution.

Another feature to which I will allude is that the new constitution provides that cabinet ministers and heads of departments may have

the privilege of seats upon the floor of the Senate and House of Representatives, may have the right to participate in the debates and discussions upon the various subjects of administration. I should have preferred that this provision should have gone further, and required the President to select his constitutional advisers from the Senate and House of Representatives. That would have conformed entirely to the practice in the British Parliament, which, in my judgment, is one of the wisest provisions in the British constitution. It is the only feature that saves that government. It is that which gives it stability in its facility to change its administration. Ours, as it is, is a great approximation to the right principle.

Another change in the Constitution relates to the length of the tenure of the Presidential office. In the new constitution it is six years instead of four, and the President is rendered ineligible for a re-election. This is certainly a decidedly conservative change. It will remove from the incumbent all temptation to use his office or exert the powers confided to him for any objects of personal ambition. The only incentive to that higher ambition which should move and actuate one holding such high trusts

in his hands will be the good of the people, the advancement, happiness, safety, honor, and true glory of the Confederacy.

But, not to be tedious in enumerating the numerous changes for the better, allow me to allude to one other—though last, not least. The new constitution has put at rest forever all the agitating questions relating to our peculiar institution, African slavery as it exists amongst us, the proper status of the negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson, in his forecast, had anticipated this as the "rock upon which the old Union would split." He was right. What was conjecture with him is now a realized fact. But whether he fully comprehended the great truth upon which that rock stood and stands may be doubted. The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old Constitution were that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. It was an evil they knew not well how to deal with; but the general opinion of the men of that day was that, somehow or other, in

the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the Constitution, was the prevailing idea at that time. The Constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly urged against the constitutional guaranties thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the government built upon it fell when "the storm came and the wind blew."

Our new government is founded upon exactly the opposite idea; its foundations are laid, its corner-stone rests, upon the great truth that the negro is not equal to the white man, that slavery—subordination to the superior race—is his natural and normal condition.

This, our new government, is the first in the history of the world based upon this great physical, philosophical, and moral truth. This truth has been slow in the process of its development, like all other truths in the various departments of science. It has been so even amongst us. Many who hear me, perhaps, can recollect well

that this truth was not generally admitted, even within their day. The errors of the past generation still clung to many as late as twenty years ago. Those at the North who still cling to these errors, with a zeal above knowledge, we justly denominate fanatics. All fanaticism springs from an aberration of the mind, from a defect in reasoning. It is a species of insanity. One of the most striking characteristics of insanity, in many instances, is forming correct conclusions from fancied or erroneous premises. So with the antislavery fanatics; their conclusions are right, if their premises were. They assume that the negro is equal, and hence conclude that he is entitled to equal rights and privileges with the white man. If their premises were correct, their conclusions would be logical and just; but, their premise being wrong, their whole argument fails. I recollect once hearing a gentleman from one of the Northern States, of great power and ability, announce in the House of Representatives, with imposing effect, that we of the South would be compelled ultimately to yield upon this subject of slavery, that it was as impossible to war successfully against a principle in politics as it was in physics or mechanics; that the principle would ulti-

mately prevail; that we, in maintaining slavery as it exists with us, were warring against a principle, founded in nature, the principle of the equality of men. The reply I made to him was that upon his own grounds we should ultimately succeed, and that he and his associates in this crusade against our institutions would ultimately fail. The truth announced, that it was as impossible to war successfully against a principle in politics as it was in physics and mechanics, I admitted; but told him that it was he, and those acting with him, who were warring against a principle. They were attempting to make things equal which the Creator had made unequal.

In the conflict, thus far, success has been on our side, complete throughout the length and breadth of the Confederate States. It is upon this, as I have stated, our social fabric is firmly planted; and I cannot permit myself to doubt the ultimate success of a full recognition of this principle throughout the civilized and enlightened world.

As I have stated, the truth of this principle may be slow in development, as all truths are and ever have been, in the various branches of science. It was so with the principles an-

nounced by Galileo. It was so with Adam Smith and his principles of political economy. It was so with Harvey and his theory of the circulation of the blood; it is stated that not a single one of the medical profession, living at the time of the announcement of the truths made by him, admitted them. Now they are universally acknowledged. May we not, therefore, look with confidence to the ultimate universal acknowledgement of the truths upon which our system rests? It is the first government ever instituted upon the principles in strict conformity to nature and the ordination of Providence in furnishing the materials of human society. Many governments have been founded upon the principle of the subordination and serfdom of certain classes of the same race; such were and are in violation of the laws of nature. Our system commits no such violation of nature's laws. With us, all the white race, however high or low, rich or poor, are equal in the eye of the law. Not so with the negro; subordination is his place. He, by nature or by the curse against Canaan, is fitted for that condition which he occupies in our system. The architect, in the construction of buildings, lays the foundation with the proper

material—the granite ; then comes the brick or the marble. The substratum of our society is made of the material fitted by nature for it ; and by experience we know that it is best not only for the superior race, but for the inferior race, that it should be so. It is, indeed, in conformity with the ordinance of the Creator. It is not for us to inquire into the wisdom of His ordinances, or to question them. For His own purposes He has made one race to differ from another, as He has made "one star to differ from another star in glory." The great objects of humanity are best attained when there is conformity to His laws and decrees, in the formation of governments as well as in all things else. Our Confederacy is founded upon principles in strict conformity with these views. This stone, which was rejected by the first builders, "is become the chief of the corner," the real "corner-stone" in our new edifice. * * *

Mr. Jefferson said in his inaugural, in 1801, after the heated contest preceding his election, that there might be differences of opinion without differences of principle, and that all, to some extent, had been Federalists, and all Republicans. So it may now be said of us that, whatever differences of opinion as to the best

policy in having a co-operation with our border sister slave States, if the worst came to the worst, as we were all co-operationists, we are all now for independence, whether they come or not. * * *

We are a young republic, just entering upon the arena of nations; we will be the architects of our own fortunes. Our destiny, under Providence, is in our own hands. With wisdom, prudence, and statesmanship on the part of our public men, and intelligence, virtue, and patriotism on the part of the people, success to the full measure of our most sanguine hopes may be looked for. But, if unwise counsels prevail, if we become divided, if schisms arise, if dissensions spring up, if factions are engendered, if party spirit, nourished by unholy personal ambition, shall rear its hydra head, I have no good to prophesy for you. Without intelligence, virtue, integrity, and patriotism on the part of the people, no republic or representative government can be durable or stable.

STEPHEN ARNOLD DOUGLAS,

OF ILLINOIS.

(BORN 1813, DIED 1861.)

ON THE WAR; ADDRESS TO THE ILLINOIS LEGISLATURE, SPRINGFIELD, ILLS., APRIL 25, 1861.

GENTLEMEN:

I am not insensible to the patriotic motives which prompted you to do me the honor to invite me to address you, on this occasion, upon the momentous issues now presented in the condition of the country. With a heart filled with sadness and grief I comply with your request.

For the first time since the adoption of this Federal Constitution, a widespread conspiracy exists to destroy the best government the sun of heaven ever shed its rays upon. Hostile armies are now marching upon the Federal capital, with a view of planting a revolutionary flag upon its dome. * * * The boast has gone forth by the secretary of war of this revolutionary government that on the first day of May the revo-

lutionary flag shall float from the walls of the Capitol at Washington, and that on the fourth day of July the revolutionary army shall hold possession of the Hall of Independence. The simple question presented to us is whether we will wait for the enemy to carry out this boast of making war on our soil, or whether we will rush as one man to the defence of this government, and its capital, to defend it from the hands of all assailants who have threatened it. Already the piratical flag has been unfurled against the commerce of the United States. Letters of marque have been issued, appealing to the pirates of the world to assemble under that revolutionary flag, and commit depredations on the commerce carried on under the stars and stripes. Hostile batteries have been planted upon its fortresses; custom-houses have been established; and we are required now to pay tribute and taxes without having a voice in making the laws imposing them, or having a share in the distribution of them after they have been collected. The question is whether this war of aggression shall proceed, and we remain with folded arms inactive spectators, or whether we shall meet the aggressors at the threshold and turn back the tide. * * *

I ask you to reflect and then point out any one act that has been done, any one duty that has been omitted to be done, of which these disunionists can justly complain. Yet we are told, simply because one party has succeeded in a Presidential election, therefore they choose to consider that their liberties are not safe and therefore they will break up the government. I had supposed that it was a cardinal and fundamental principle of our system of government that the decision of the people at the ballot-box, without a fraud, according to the forms of the Constitution, was to command the explicit obedience of every good citizen. If their defeat at a Presidential election is to justify the minority, or any portion of the minority, in raising the traitorous hand of rebellion against the constituted authorities, you will find the future history of the United States written in the history of Mexico. According to my reading of Mexican history, there never has been one Presidential term, from the time of the revolution of 1820 down to this day, when the candidate elected by the people ever served his four years. In every instance, either the defeated candidate has seized upon the Presidential chair by the use of the bayonet, or he has turned out the only duly elected

candidate before his term expired. Are we to inaugurate this Mexican system in the United States of America? * * * The first duty of an American citizen, or of a citizen of any constitutional government, is obedience to the constitution and laws of his country. I have no apprehension that any man in Illinois or beyond the limits of our own beloved State will misconstrue or misunderstand my motive. So far as any of the partisan questions are concerned, I stand in equal, eternal, and undying opposition to the Republicans and the Secessionists. You all know that I am a good partisan fighter in partisan times. And you will find me equally as good a patriot when the country is in danger. Permit me to say to the assembled Representatives and Senators of our good old State, composed of men of both political parties, that in my opinion it is your duty to lay aside your party creeds and party platforms, to lay aside your party organizations and partisan appeals, to forget that you were divided, until you have rescued the government and the country from their assailants. Then resume your partisan positions, according to your wishes. Give me a country first, that my children may live in peace; then we will have a theatre for our party organizations to operate upon.

I appeal to you, my countrymen, men of all parties, not to allow your passions to get the better of your judgments. Do not allow your vengeance upon the authors of this great iniquity to lead you into rash and cruel and desperate acts upon those who may differ from you in opinion. Let the spirit of moderation and of justice prevail. You cannot expect, within so few weeks after an excited political canvass, that every man can rise to the level of forgetting his partisan prejudices and sacrifice every thing upon the altar of his country; but allow me to say to you, whom I have opposed and warred against with an energy you will respect,—allow me to say to you that you will not be true to your country if you ever attempt to manufacture partisan capital out of the miseries of your country. When calling upon Democrats to rally to the tented field, leaving wife, child, father, and mother behind them, to rush to the rescue of the President that you elected, do not make war upon them and try to manufacture partisan capital out of a struggle in which they are engaged from the holiest and purest of motives. Then I appeal to you, my Democratic friends * * * do not allow the mortification growing out of a defeat in a par-

tisan struggle, and the elevation to power of a party that we firmly believed to be dangerous to the country,—do not let that convert you from patriots to traitors to your native land. Whenever our government is assailed, when hostile armies are marching under rude and odious banners against the government of our country, the shortest way to peace is the most stupendous and unanimous preparation for war. The greater the unanimity the less blood will be shed. The more prompt and energetic is the movement, and the more important it is in numbers, the shorter will be the struggle.

While all the States of this Union, and every citizens of every State, has a priceless legacy dependent upon the success of our efforts to maintain this government, we in the great valley of the Mississippi have peculiar interests and inducements to the struggle. What is the attempt now being made? Seven States of this Union choose to declare that they will no longer obey the behest of the United States, that they will withdraw from the government established by our fathers, that they will dissolve, without our consent, the bonds that have united us together. But, not content with that, they proceed to invade and obstruct our dearest and

most inalienable rights, secured to us by the Constitution. One of their first acts is to establish a battery of cannon upon the banks of the Mississippi, on the dividing line between the States of Mississippi and Tennessee, and require every steamer that passes down the river to come to under a gun, to receive a custom-house officer on board to prescribe where the boat may land, and upon what terms it may put out a barrel of flour or a cask of bacon, to cut off our freedom of trade upon the river and on the borders of those States.

We are called on to sanction this policy. Before consenting to their right to commit such acts, I implore you to consider that the same principle which will allow the cotton States to exclude us from the ports of the Gulf, would authorize the New England States and New York and Pennsylvania to exclude us from the Atlantic, and the Pacific States to exclude us from the ports of that ocean. Whenever you sanction this doctrine of secession, you authorize the States bordering on the Atlantic and Pacific oceans to withdraw from us, form alliances among themselves, and exclude us from the markets of the world and from communication with all the rest of Christendom. Not

only this, but there follows a tariff of duties on imports, the levying of taxes on every pound of tea and coffee and sugar and every yard of cloth that we may import for our consumption ; the levying, too, of an export duty upon every pound of meat and every bushel of corn that we may choose to send to the markets of the world to pay for our imports. Bear in mind that these very cotton States, who in former times have been so boisterous in their demands for free trade, have, among their first acts, established an export duty on cotton for the first time in American history.

It is an historical fact, well known to every man who has read the debates of the convention which framed the Constitution of the United States, that the Southern States refused to become parties to the Constitution unless there was an express provision in the Constitution forbidding Congress to levy an export duty on any product of the earth. No sooner have these cotton States seceded than an export duty is levied ; and, if they will levy it on their cotton, do you not think that they will levy it on our pork, and our beef, and our corn, and our wheat, and our manufactured articles, and on all we have to sell? Then what is the

proposition? It is to enable the tier of States bordering on the Atlantic and Pacific, and on the Gulf, surrounding us on all sides, to withdraw from our Union, form alliances among themselves, and then levy taxes on us without our consent, and collect revenue without giving us any just proportion of all the amount collected. Can we submit to taxation without representation? Can we permit nations foreign to us to collect revenues out of our produce, out of the fruit of our industry? I ask the citizens of Illinois, I ask every citizen in the great basin between the Rocky Mountains and the Alleghanies, in the valleys of the Ohio, the Mississippi, and the Missouri, to tell me whether he is willing to sanction a line of policy that may isolate us from the markets of the world, and make us provinces dependent on the powers that thus choose to isolate us?

I warn you, my countrymen, that, whenever you permit this to be done in the Southern States, New York will very soon follow their example. New York, that great port, where two thirds of our revenue are collected, and whence two thirds of our goods are exported, will not long be able to resist the temptation of taxing fifteen millions of people in the great

West, when she can thus monopolize their resources, and release her own people from any taxation whatever. * * * Come what may, war, if it must be, though I deplore it as a great calamity, yet, come what may, the people of the Mississippi valley can never consent to be excluded from free access to the ports of the Atlantic, the Pacific, and the Gulf of Mexico. I am not prepared to take up arms, or to sanction a policy of our government to take up arms, to make any war on the rights of the Southern States, on their institutions, on their rights of person or property, but, on the contrary, would rush to their defence and protect them from assault; but, while that is the case, I will never cease to urge my countrymen to take arms to fight to the death in defence of our indefeasible rights. Hence, if a war does come, it is a war of self-defence on our part. It is a war in defence of our own just rights, in defence of the government which we have inherited as a priceless legacy from our patriotic fathers, in defence of our great rights of freedom of trade, commerce, transit, and intercourse from the centre to the circumference of this great continent. These are rights we must struggle for and never surrender. * * *

I see no path of ambition open in a bloody struggle for triumphs over my countrymen. There is no path of ambition open to me in a divided country. Hence, whatever we do must be the result of duty, of conviction, of patriotic duty, the duty we owe to ourselves, to our posterity, and to the friends of constitutional liberty and self-government throughout the world.

My friends, I can say no more. To discuss these topics is the most painful duty of my life. It is with a sad heart, with a grief that I have never before experienced, that I have to contemplate this fearful struggle; but I believe in my conscience that it is a duty we owe to ourselves, our children, and our God, to protect this government and that flag from every assailant, be he who he may.

CLEMENT L. VALLANDIGHAM,

OF OHIO.

(BORN 1820, DIED 1871.)

ON THE WAR AND ITS CONDUCT; HOUSE OF REPRESENTATIVES, JANUARY 14, 1863.

SIR, I am one of that number who have opposed abolitionism, or the political development of the antislavery sentiment of the North and West, from the beginning. In school, at college, at the bar, in public assemblies, in the Legislature, in Congress, boy and man, in time of peace and in time of war, at all times and at every sacrifice, I have fought against it. It cost me ten years' exclusion from office and honor at that period of life when honors are sweetest. No matter; I learned early to do right and to wait. Sir, it is but the development of the spirit of intermeddling, whose children are strife and murder. Cain troubled himself about the sacrifices of Abel, and slew his brother. Most of the wars, contentions,

litigation, and bloodshed, from the beginning of time, have been its fruits. The spirit of non-intervention is the very spirit of peace and concord. * * *

The spirit of intervention assumed the form of abolitionism because slavery was odious in name and by association to the Northern mind, and because it was that which most obviously marks the different civilizations of the two sections. The South herself, in her early and later efforts to rid herself of it, had exposed the weak and offensive parts of slavery to the world. Abolition intermeddling taught her at last to search for and defend the assumed social, economic, and political merit and values of the institution. But there never was an hour from the beginning when it did not seem to me as clear as the sun at broad noon that the agitation in any form in the North and West of the slavery question must sooner or later end in disunion and civil war. This was the opinion and prediction for years of Whig and Democratic statesmen alike; and, after the unfortunate dissolution of the Whig party in 1854, and the organization of the present Republican party upon the exclusive antislavery and sectional basis, the event was inevitable,

because, in the then existing temper of the public mind, and after the education through the press and the pulpit, the lecture and the political canvass, for twenty years, of a generation taught to hate slavery and the South, the success of that party, possessed as it was of every engine of political, business, social, and religious influence, was certain. It was only a question of time, and short time. Such was its strength, indeed, that I do not believe that the union of the Democratic party in 1860 on any candidate, even though he had been supported also by the entire so-called conservative or anti-Lincoln vote of the country, would have availed to defeat it; and, if it had, the success of the Abolition party would only have been postponed four years longer. The disease had fastened too strongly upon the system to be healed until it had run its course. The doctrine of "the irrepressible conflict" had been taught too long, and accepted too widely and earnestly, to die out until it should culminate in secession and disunion, and, if coercion were resorted to, then in civil war. I believed from the first that it was the purpose of some of the apostles of that doctrine to force a collision between the North and the South, either to bring about a

separation or to find a vain but bloody pretext for abolishing slavery in the States. In any event, I knew, or thought I knew, that the end was certain collision and death to the Union.

Believing thus, I have for years past denounced those who taught that doctrine, with all the vehemence, the bitterness, if you choose —I thought it a righteous, a patriotic bitterness —of an earnest and impassioned nature. * * * But the people did not believe me, nor those older and wiser and greater than I. They rejected the prophecy, and stoned the prophets. The candidate of the Republican party was chosen President. Secession began. Civil war was imminent. It was no petty insurrection, no temporary combination to obstruct the execution of the laws in certain States, but a revolution, systematic, deliberate, determined, and with the consent of a majority of the people of each State which seceded. Causeless it may have been, wicked it may have been, but there it was—not to be railed at, still less to be laughed at, but to be dealt with by statesmen as a fact. No display of vigor or force alone, however sudden or great, could have arrested it even at the outset. It was disunion at last. The wolf had come, but civil war had not yet

followed. In my deliberate and solemn judgment there was but one wise and masterly mode of dealing with it. Non-coercion would avert civil war, and compromise crush out both abolitionism and secession. The parent and the child would thus both perish. But a resort to force would at once precipitate war, hasten secession, extend disunion, and while it lasted utterly cut off all hope of compromise. I believed that war, if long enough continued, would be final, eternal disunion. I said it; I meant it; and accordingly, to the utmost of my ability and influence, I exerted myself in behalf of the policy of non-coercion. It was adopted by Mr. Buchanan's administration, with the almost unanimous consent of the Democratic and Constitutional Union parties in and out of Congress; and in February, with the consent of a majority of the Republican party in the Senate and the House. But that party most disastrously for the country refused all compromise. How, indeed, could they accept any? That which the South demanded, and the Democratic and Conservative parties of the North and West were willing to grant, and which alone could avail to keep the peace and save the Union, implied a surrender of the sole

vital element of the party and its platform, of the very principle, in fact, upon which it had just won the contest for the Presidency, not, indeed, by a majority of the popular vote—the majority was nearly a million against it,—but under the forms of the Constitution. Sir, the crime, the "high crime," of the Republican party was not so much its refusal to compromise, as its original organization upon a basis and doctrine wholly inconsistent with the stability of the Constitution and the peace of the Union.

The President-elect was inaugurated; and now, if only the policy of non-coercion could be maintained, and war thus averted, time would do its work in the North and the South, and final peaceable adjustment and reunion be secured. Some time in March it was announced that the President had resolved to continue the policy of his predecessor, and even go a step farther, and evacuate Sumter and the other Federal forts and arsenals in the seceded States. His own party acquiesced; the whole country rejoiced. The policy of non-coercion had triumphed, and for once, sir, in my life, I found myself in an immense majority. No man then pretended that a Union founded in

consent could be cemented by force. Nay, more, the President and the Secretary of State went farther. Said Mr. Seward, in an officia-diplomatic letter to Mr. Adams: "For these reasons, he (the President) would not be disposed to reject a cardinal dogma of theirs (the secessionists), namely, that the Federal Government could not reduce the seceding States to obedience by conquest, although he were disposed to question that proposition. But in fact the President willingly accepts it as true. Only an imperial or despotic government could subjugate thoroughly disaffected and insurrectionary members of the State. * * * This Federal republican system of ours is, of all forms of government, the very one which is most unfitted for such a labor." This, sir, was on the 10th of April, and yet on that very day the fleet was under sail for Charleston. The policy of peace had been abandoned. Collision followed; the militia were ordered out; civil war began.

Now, sir, on the 14th of April, I believed that coercion would bring on war, and war disunion. More than that, I believed what you all believe in your hearts to-day, that the South could never be conquered—never. And not

that only, but I was satisfied—and you of the Abolition party have now proved it to the world—that the secret but real purpose of the war was to abolish slavery in the States. * * * These were my convictions on the 14th of April. Had I changed them on the 15th, when I read the President's proclamation, * * * I would have changed my public conduct also. But my convictions did not change. I thought that, if war was disunion on the 14th of April, it was equally disunion on the 15th, and at all times. Believing this, I could not, as an honest man, a Union man, and a patriot, lend an active support to the war; and I did not. I had rather my right arm were plucked from its socket and cast into eternal burnings, than, with my convictions, to have thus defiled my soul with the guilt of moral perjury. Sir, I was not taught in that school which proclaims that "all is fair in politics." I loathe, abhor, and detest the execrable maxim. * * * Perish office, perish honors, perish life itself; but do the thing that is right, and do it like a man. * * *

Certainly, sir; I could not doubt what he must suffer who dare defy the opinions and the passions, not to say the madness, of twenty

millions of people. * * * I did not support the war; and to-day I bless God that not the smell of so much as one drop of its blood is upon my garments. Sir, I censure no brave man who rushed patriotically into this war; neither will I quarrel with any one, here or elsewhere, who gave to it an honest support. Had their convictions been mine, I, too, would doubtless have done as they did. With my convictions I could not. But I was a Representative. War existed—by whose act no matter—not by mine. The President, the Senate, the House, and the country all said that there should be war * * * and I belonged to that school of politics which teaches that, when we are at war, the government—I do not mean the Executive alone, but the government—is entitled to demand and have, without resistance, such number of men, and such amount of money and supplies generally, as may be necessary for the war, until an appeal can be had to the poople. Before that tribunal alone, in the first instance, must the question of the continuance of the war be tried. This was Mr. Calhoun's opinion * * * in the Mexican war. Speaking of that war in 1847, he said: "Every Senator knows that I was opposed to the war; but none but myself knows

the depth of that opposition. With my conception of its character and consequences, it was impossible for me to vote for it. * * * But, after war was declared, by authority of the government, I acquiesced in what I could not prevent, and what it was impossible for me to arrest; and I then felt it to be my duty to limit my efforts to give such direction to the war as would, as far as possible, prevent the evils and dangers with which it threatened the country and its institutions."

Sir, I adopt all this as my position and my defence, though, perhaps, in a civil war, I might fairly go farther in opposition. I could not, with my convictions, vote men and money for this war, and I would not, as a Representative, vote against them. I meant that, without opposition, the President might take all the men and all the money he should demand, and then to hold him to a strict responsibility before the people for the results. Not believing the soldiers responsible for the war or its purposes or its consequences, I have never withheld my vote where their separate interests were concerned. But I have denounced from the beginning the usurpations and the infractions, one and all, of law and constitution, by the President and

those under him; their repeated and persistent arbitrary arrests, the suspension of *habeas corpus*, the violation of freedom of the mails, of the private house, of the press, and of speech, and all the other multiplied wrongs and outrages upon public liberty and private right, which have made this country one of the worst despotisms on earth for the past twenty months, and I will continue to rebuke and denounce them to the end; and the people, thank God, have at last heard and heeded, and rebuked them too. To the record and to time I appeal again for my justification.

CARL SCHURZ,

OF WISCONSIN.

(BORN 1829.)

ON THE DEMOCRATIC WAR POLICY; ACADEMY OF MUSIC, MILWAUKEE, OCTOBER 28, 1864.

MR. PRESIDENT AND FELLOW-CITIZENS:

My experience leads me to believe that the party arrayed against the Government of the Republic in this crisis contains a large number of people who honestly mean to do right, but who by force of habit are following their accustomed leaders without questioning the consistency of their conduct and the candor and truthfulness of their representations. Their principal failing is that they are too careless to think for themselves, for a little independence of mind joined to their good intentions would certainly lead them to see what is right, and to act accordingly. It is to them that I will address myself. From the Democratic leaders I

will appeal to the Democratic masses. I shall abstain from all attempts to captivate their senses with oratorical display, and address myself to their common-sense with the simplest language at my command.

The object of our struggle with the rebellious people of the South is and ought to be to *restore the Union, and to make it a permanent institution.* * * * Our disagreement seems to be about the means and measures by which the common object is to be achieved. Let us review the points of difference. * * *

Your leaders tell you that negro slaves are property just in the same measure and manner as horses and cattle and provisions are property. Granted for argument's sake. As our armies penetrated into the enemy's country, a large quantity of that negro property fell into their hands. What were we to do with the captured negroes? Send them back to their masters? or keep them, feed them, clothe them for the purpose of returning them at some future time? We captured also cavalry horses and beeves. Who would have thought of sending them back to their owners, or of feeding and grooming them without using them? The captured cattle property was butchered and distributed in

the shape of rations; upon the captured horse property we mount our cavalrymen; why, then, in the name of common-sense, should we not put the captured negro property to such use as it was capable of? Do you see how absurd it would be to object to this? And, mark you well, Democrats, this property theory is yours, and I have abstained from discussing the matter from the standpoint of my own principles.

But the principal thing against which your leaders protested was that the negroes were armed and employed as soldiers in the field. Keep in mind I am still for argument's sake speaking of the negro as a mere species of property. Why, then, should negro property not be used for fighting purposes? It is reasonable, nay, it is necessary, that when engaged in war we should put all our means and instruments of warfare to the highest measure of usefulness. We want our rifles and our artillery to have as much power of destruction as possible. If we could procure a cannon that would demolish a whole regiment at one blow, would we not use it? If we could make our horses fight, instead of merely letting them carry our cavalrymen, would we not do so? Why, then, not put the negro to the highest measure of his

usefulness? If he is able to fight, instead of merely driving teams or carrying bundles, why should we not make him fight? Would it not be folly to abstain from doing so? Do not the rebels make the savage Indian fight against civilized Union soldiers? Would they not make alligators fight in their ranks if alligators were capable of discipline? Why, then, in the name of common-sense, was it not better to make the negro fight for the Union, instead of obliging him to work for the rebellion? I repeat it, Democrats, and I do not want you to forget it: in reasoning thus I have placed myself upon your own ground, and I mean to hold you to the logical consequences of your own position; if the negro is the property of our enemies, what reason is there that we should not use him as the enemy's property captured in war?

But your leaders tell you that this measure has so irritated our Southern brethren, that reconciliation has become impossible unless we abandon it. Emancipation and the arming of negroes irritated the rebels. I doubt it not. You will find generally that that irritates them most which hurts them most. Look at our military and naval leaders. Grant, Sherman, Sheridan, and Farragut have irritated the reb-

els very severely. You have chosen as your candidate for the Presidency a General whose nomination does not irritate the rebels at all, for the reason that the General never hurt them at all. Would it not be wise to go on irritating the rebellion by hurting it? Who knows? We may succeed in bringing about its death by excessive irritation. * * *

I might now close this review of the arguments by which your leaders try to convince you that a change of administration and of policy is necessary, were it not for one charge they bring against the government, and upon which they harp with the most vociferous persistency. It is that the government has during this war disregarded and violated the rights and liberties of the citizen. I am not the man to equivocate about such matters; I never shrink from discussing the merits or demerits of my own party, and I never deny what I believe to be a fact. Yes, the government has, in some cases, arrested and punished individuals for treasonable talk, and suspended newspapers for treasonable publications, especially when such talk or publications tended to impede recruiting or to induce soldiers to desert their colors. If I stood here as a mere advocate of the gov-

ernment, I might examine case after case, and say this or that in justification of those in authority. But I will abstain. I will even go so far as to admit that, in some instances, the government would have acted with more wisdom and justice if it had abstained from such interference. I will go still further, and say that I am, on principle, opposed to such acts, and that, in most cases, the evil done is greater than the evil redressed. I have a right to speak so, for I have always spoken so; at an early period of this war I warned the people of the dangers arising from such encroachments, and from the condition of things that produces them.

But where are the facts that would justify the wild denunciations hurled against the goverment by your Democratic leaders? Where are the "atrocities" which bear out the assertion "that in this country free speech and free press have ceased to exist? that this government is the worst despotism the world ever saw?" I ask you in all candor, did you ever attend a Democratic meeting during this election campaign? If you have, then I defy you to show me in the English dictionary a term of opprobrium that has not, by your Democratic

speakers, been most lavishly applied to the Government of this Republic. Let your imagination invent a calumny, or an insult, that has not been thrown in the face of the President of the United States. And now, while saying with impunity all they do say, they complain that they cannot say what they please? Again, do you read Democratic newspapers? Tell me, are not, day after day, the President and all the members of the government denounced and vilified as the meanest and most execrable villains in all Christendom? And now, while writing what they do write every day with impunity, they insist upon complaining that they cannot write what they please. * * *

But, you say, the restoration of the Union is not our only object; we want to make the Union a permanent institution. Well, then, how is this to be done? I appeal again to your common-sense.

If you want to give permanency to the restored Union, the first thing necessary is that you put to rest the great element of discord, which has continually disturbed the repose and threatened the unity of the republic. And what is that element? It is the omnipresent,

eternal slavery question. Are you not heartily tired of it? You always assured us that you were, and I respond by assuring you that I am. I wish I had never heard of it before, and I wish I might never again hear of it hereafter. Indeed, we have a right to be tired of it. For forty years it has agitated the public mind with continually increasing fury. No compromise could quiet it, no apparent settlement could appease it. Is it necessary that I should show you why it sprang up again and again in spite of the efforts made to keep it down? I have discussed the point a hundred times; I will not repeat what has been said so often. Enough, it did keep the body politic in ceaseless agitation; it did at last lead to an attempt to break up the republic. Every thing else could be settled by compromises, or by other means of mutual understanding, but the slavery question could not. This is the fact, and with the fact we have to deal. Is it not indeed time that, at last, it should be disposed of and put to rest, so that it may not trouble us again? Is it not a duty we owe to the Union, the restoration of which is bought at so heavy a price that this great stumbling-block should be taken out of its way? But how dispose of it—how put it

to rest forever? There is but one way, and that is simple, straightforward, and sure. Let slavery itself disappear from the scene. Let it die, and it will not trouble us again. Slavery dead, there will be an end of the slavery question.

You shrink back, Democrats, from the idea of giving the negro his freedom? Why? Have you not told us again and again, that, while we were troubling ourselves so much about the negro question, the negro himself had every reason to feel happy and contented in the condition of slavery? that he was well fed, well clothed, had but a moderate share of labor to perform, and no earthly cares upon him? Did you not always tell us so? And now mark well, I am reasoning on the ground of your own proposition. If the picture you draw of the pleasant life of the negro slave is true, well then, in the name of justice and common-sense, let the negro, after having so long enjoyed the comforts of slavery, at last learn to submit to the troubles and hardships of freedom! Is a negro better than a white man? Why should we expose ourselves to the perplexities of endless controversies on his account? Why should we expose the republic to the dangers of a

ceaseless and furious agitation, merely to secure to the negro the careless ease and the sunny happiness of his patriarchal condition? Let him come forth; let him work for his daily bread on his own responsibility; let him, if need be, shoulder his musket for the defence of the republic, like the rest of us; let him assume his share of trouble and danger; let him take care of himself—but, for the sake of all that is good and great, let the body politic have rest! Is not this just and reasonable?

Still, after having argued thus upon premises advanced by yourselves, I do not ask you, Democrats, to sit down at the feet of William Lloyd Garrison or Wendell Philips, to be initiated in all the doctrines of abolitionism, nor do I expect you to go to the South, gun in hand, for the purpose of freeing every man his negro. Your services are, by no means, indispensable in that line. Slavery is, at this moment, abolishing itself. It is dying of its own poison. All I ask you to do, is not to go to the trouble of disturbing the process of nature, but to let it die.

The ball of emancipation is rolling on in obedience to the laws of gravitation. Do not stand in the way. I do not expect you, Demo-

crats, to push; but all I ask you to do, is not to put on the brakes. You have always been telling us, that you, individually, did not love slavery; I will go so far as to excuse you even from hating it; only treat it with becoming disdain and indifference, and the rest will easily be attended to. Yes, slavery is abolishing itself; you have only to acknowledge the fact, and let it be duly and legally recorded. Then you will be relieved of the controversy, which, as you told us, was always so distasteful to you; with slavery the element of strife and discord will disappear, which alone has imperilled the permanency of the Union.

The best of your old standard-bearers have left you in disgust, and are now working with heart and hand on our side. And not only they. The best of your rank and file are now fighting under the banner of the Union, not only with their muskets, but also with their votes. Do you not know it? You have heard the voices of the soldiers, not only as they speak in triple tones of thunder to the armed rebels of the South, but as they speak in triple tones of thunder to the disguised traitors of the North. You boasted once that a large majority of the soldiers in the field came from the

ranks of the Democratic party. Where are they now? The army vote, whenever it was cast, stood nine for the Union candidate to one for the opposition. Did the Democratic party, indeed, send only one in ten? I have heard it said that the soldier's vote is no reliable indication of the soldier's political sentiments; that the soldier votes as his officer directs him. He who says so, little knows the independent spirit of the American volunteer. But, if it were so, what then, pray, has become of your Democratic officers? No, I will not be unjust to you. You have, indeed, sent a very large number of men from the ranks of your party into the army; and there they are, flesh of your flesh, and blood of your blood. Why, then, do those Democratic soldiers no longer vote with you? Let me say to you, that every man, to whatever party he may belong, as soon as he becomes a good Union soldier, becomes at the same time a good Union *man*.

The soldier has gone through a school which would do a world of good to most of your leading politicians. His political principles have been burned clean in the red-hot crucible of battle. In the awful solemnity of those moments when death stared him in the face, and

when he squared his accounts with heaven and earth, he rose to a full appreciation of the tremendous responsibility, not only of the fighting, but also of the voting citizen; then he felt clearly that his allegiance to party was nothing when in conflict with his allegiance to the great cause of his country; then, rising above all his former prejudices, he became ready to acknowledge that this Union can be restored only upon the basis of universal liberty, and that liberty does not consist in the right of one man to hold another man as property.

I entreat you to think for yourselves! As men of prudence, think of your true interests, and those of your children; they alone can be secured by a solid and lasting peace, such as will be the fruit only of an energetic and decisive war. As patriots and men of honor, think of the future of your country; it can be peaceful and prosperous only when founded upon a Union in which the spirit of justice and liberty reigns supreme, and the rights of man are held sacred. As citizens of the great republic, think of the duty we owe to mankind; it rests with us to furnish to the world the conclusive proof, a proof as incontestible as fact can make it, that a republic, organized on the largest

scale, may have in itself elements of order and strength enough to brave the storm of rebellion and war, and to carry the liberties of the people and the security of society safe through the turmoils of internal dissension; nay, that from the terrible ordeal it may issue purified of the stains that disfigured it, relieved of the wrongs that burdened it, stronger in the affections of the people, and more formidable by the development and exercise of its power.

I repeat it, think for yourselves, and then join us in giving the nations of the earth this noble example. Let the people of the United States, on the day of the national election, declare that, if the cause of Union and Liberty requires they should continue to fight, it is their own free will to give up their sons to the country, and fight; if it requires they should continue to pay, it is their own free will to bear whatever burdens the struggle may bring with it, and pay; if it requires they should continue to suffer, it is their own free will to submit to whatever sacrifices, trials, and hardships the cause may impose, and suffer. It is thus that the sovereignty of the people will be vindicated by the moral heroism of the people; thus this republic, out of her greatest trial evolving her

greatest triumph, will become worthy of her proud stand at the head of the century, and the flag of this country, in whatever quarter of the globe it may appear, will be hailed as a living proof of the faculty of man to govern himself.

HENRY WARD BEECHER,

OF NEW YORK.

(BORN 1813.)

ADDRESS AT LIVERPOOL, OCTOBER 16, 1863.

FOR more than twenty-five years I have been made perfectly familiar with popular assemblies in all parts of my country except the extreme South. There has not for the whole of that time been a single day of my life when it would have been safe for me to go South of Mason's and Dixon's line in my own country, and all for one reason: my solemn, earnest, persistent testimony against that which I consider to be the most atrocious thing under the sun—the system of American slavery in a great free republic. [Cheers.] I have passed through that early period when right of free speech was denied to me. Again and again I have attempted to address audiences that, for no other crime than that of free speech, visited me with all manner of contumelious epithets; and now since I have

been in England, although I have met with greater kindness and courtesy on the part of most than I deserved, yet, on the other hand, I perceive that the Southern influence prevails to some extent in England. [Applause and uproar.] It is my old acquaintance; I understand it perfectly—[laughter]—and I have always held it to be an unfailing truth that where a man had a cause that would bear examination he was perfectly willing to have it spoken about. [Applause.] And when in Manchester I saw those huge placards: "Who is Henry Ward Beecher?"—[laughter, cries of "Quite right," and applause.]—and when in Liverpool I was told that there were those blood-red placards, purporting to say what Henry Ward Beecher had said, and calling upon Englishmen to suppress free speech—I tell you what I thought. I thought simply this: "I am glad of it." [Laughter.] Why? Because if they had felt perfectly secure, that *you* are the minions of the South and the slaves of slavery, they would have been perfectly still. [Applause and uproar.] And, therefore, when I saw so much nervous apprehension that, if I were permitted to speak—[hisses and applause]—when I found they were afraid to have me speak—

[hisses, laughter, and "No, no!"]—when I found that they considered my speaking damaging to their cause—[applause]—when I found that they appealed from facts and reasonings to mob law—[applause and uproar]—I said, no man need tell me what the heart and secret counsel of these men are. They tremble and are afraid. [Applause, laughter, hisses, "No, no!" and a voice: "New York mob."] Now, personally, it is a matter of very little consequence to me whether I speak here to-night or not. [Laughter and cheers.] But, one thing is very certain, if you do permit me to speak here to-night you will hear very plain talking. [Applause and hisses.] You will not find a man—[interruption]—you will not find me to be a man that dared to speak about Great Britain 3,000 miles off, and then is afraid to speak to Great Britain when he stands on her shores. [Immense applause and hisses.] And if I do not mistake the tone and temper of Englishmen, they had rather have a man who opposes them in a manly way—[applause from all parts of the hall]—than a sneak that agrees with them in an unmanly way. [Applause and "Bravo!"] Now, if I can carry you with me by sound convictions, I shall be immensely glad

—[applause]; but if I cannot carry you with me by facts and sound arguments, I do not wish you to go with me at all; and all that I ask is simply FAIR PLAY. [Applause, and a voice: "You shall have it too."]

Those of you who are kind enough to wish to favor my speaking—and you will observe that my voice is slightly husky, from having spoken almost every night in succession for some time past,—those who wish to hear me will do me the kindness simply to sit still, and to keep still; and I and my friends the Secessionists will make all the noise. [Laughter.]

There are two dominant races in modern history—the Germanic and the Romanic races. The Germanic races tend to personal liberty, to a sturdy individualism, to civil and to political liberty. The Romanic race tends to absolutism in government; it is clannish; it loves chieftains; it develops a people that crave strong and showy governments to support and plan for them. The Anglo-Saxon race belongs to the great German family, and is a fair exponent of its peculiarities. The Anglo-Saxon carries self-government and self-development with him wherever he goes. He has popular GOVERNMENT and popular INDUSTRY; for the

effects of a generous civil liberty are not seen a whit more plain in the good order, in the intelligence, and in the virtue of a self-governing people, than in their amazing enterprise and the scope and power of their creative industry. The power to create riches is just as much a part of the Anglo-Saxon virtues as the power to create good order and social safety. The things required for prosperous labor, prosperous manufactures, and prosperous commerce are three. First, liberty; second, liberty; third, liberty. [Hear, hear!] Though these are not merely the same liberty, as I shall show you. First, there must be liberty to follow those laws of business which experience has developed, without imposts or restrictions or governmental intrusions. Business simply wants to be let alone. [Hear, hear!] Then, secondly, there must be liberty to distribute and exchange products of industry in any market without burdensome tariffs, without imposts, and without vexatious regulations. There must be these two liberties—liberty to create wealth, as the makers of it think best, according to the light and experience which business has given them; and then liberty to distribute what they have created without unnecessary vexatious burdens.

The comprehensive law of the ideal industrial condition of the word is free manufacture and free trade. [Hear, hear! A voice: "The Morrill tariff." Another voice: "Monroe."] I have said there were three elements of liberty. The third is the necessity of an intelligent and free race of customers. There must be freedom among producers; there must be freedom among the distributors; there must be freedom among the customers. It may not have occurred to you that it makes any difference what one's customers are, but it does in all regular and prolonged business. The condition of the customer determines how much he will buy, determines of what sort he will buy. Poor and ignorant people buy little and that of the poorest kind. The richest and the intelligent, having the more means to buy, buy the most, and always buy the best. Here, then, are the three liberties: liberty of the producer, liberty of the distributor, and liberty of the consumer. The first two need no discussion; they have been long thoroughly and brilliantly illustrated by the political economists of Great Britain and by her eminent statesmen; but it seems to me that enough attention has not been directed to the third; and, with your patience, I will

dwell upon that for a moment, before proceeding to other topics.

It is a necessity of every manufacturing and commercial people that their customers should be very wealthy and intelligent. Let us put the subject before you in the familiar light of your own local experience. To whom do the tradesmen of Liverpool sell the most goods at the highest profit? To the ignorant and poor, or to the educated and prosperous? [A voice: "To the Southerners." Laughter.] The poor man buys simply for his body; he buys food, he buys clothing, he buys fuel, he buys lodging. His rule is to buy the least and the cheapest that he can. He goes to the store as seldom as he can; he brings away as little as he can; and he buys for the least he can. [Much laughter.] Poverty is not a misfortune to the poor only who suffer it, but it is more or less a misfortune to all with whom he deals. On the other hand, a man well off—how is it with him? He buys in far greater quantity. He can afford to do it; he has the money to pay for it. He buys in far greater variety, because he seeks to gratify not merely physical wants, but also mental wants. He buys for the satisfaction of sentiment and taste, as well as of

sense. He buys silk, wool, flax, cotton; he buys all metals—iron, silver, gold, platinum; in short he buys for all necessities and all substances. But that is not all. He buys a better quality of goods. He buys richer silks, finer cottons, higher grained wools. Now a rich silk means so much skill and care of somebody's that has been expended upon it to make it finer and richer; and so of cotton and so of wool. That is, the price of the finer goods runs back to the very beginning, and remunerates the workman as well as the merchant. Now, the whole laboring community is as much interested and profited as the mere merchant, in this buying and selling of the higher grades in the greater varieties and quantities. The law of price is the skill; and the amount of skill expended in the work is as much for the market as are the goods. A man comes to market and says: "I have a pair of hands," and he obtains the lowest wages. Another man comes and says: "I have something more than a pair of hands; I have truth and fidelity." He gets a higher price. Another man comes and says: "I have something more; I have hands, and strength, and fidelity, and skill." He gets more than either of the others.

The next man comes and says: "I have got hands, and strength, and skill, and fidelity; but my hands work more than that. They know how to create things for the fancy, for the affections, for the moral sentiments"; and he gets more than either of the others. The last man comes and says: "I have all these qualities, and have them so highly that it is a peculiar genius"; and genius carries the whole market and gets the highest price. [Loud applause.] So that both the workman and the merchant are profited by having purchasers that demand quality, variety, and quantity. Now, if this be so in the town or the city, it can only be so because it is a law. This is the specific development of a general or universal law, and therefore we should expect to find it as true of a nation as of a city like Liverpool. I know that it is so, and you know that it is true of all the world; and it is just as important to have customers educated, intelligent, moral, and rich out of Liverpool as it is in Liverpool. [Applause.] They are able to buy; they want variety, they want the very best; and those are the customers you want. That nation is the best customer that is freest, because freedom works prosperity, industry, and

wealth. Great Britain, then, aside from moral considerations, has a direct commercial and pecuniary interest in the liberty, civilization, and wealth of every nation on the globe. [Loud applause.] You also have an interest in this, because you are a moral and religious people. ["Oh, oh!" laughter and applause.] You desire it from the highest motives; and godliness is profitable in all things, having the promise of the life that now is, as well as of that which is to come; but if there were no hereafter, and if man had no progress in this life, and if there were no question of civilization at all, it would be worth your while to protect civilization and liberty, merely as a commercial speculation. To evangelize has more than a moral and religious import—it comes back to temporal relations. Wherever a nation that is crushed, cramped, degraded under despotism is struggling to be free, you, Leeds, Sheffield, Manchester, Paisley, all have an interest that that nation should be free. When depressed and backward people demand that they may have a chance to rise—Hungary, Italy, Poland—it is a duty for humanity's sake, it is a duty for the highest moral motives, to sympathize with them; but besides all these

there is a material and an interested reason why you should sympathize with them. Pounds and pence join with conscience and with honor in this design. Now, Great Britain's chief want is—what ?

They have said that your chief want is cotton. I deny it. Your chief want is consumers. [Applause and hisses.] You have got skill, you have got capital, and you have got machinery enough to manufacture goods for the whole population of the globe. You could turn out fourfold as much as you do, if you only had the market to sell in. It is not so much the want, therefore, of fabric, though there may be a temporary obstruction of it; but the principal and increasing want—increasing from year to year—is, where shall we find men to buy what we can manufacture so fast ? [Interruption, and a voice, " The Morrill tariff," and applause.] Before the American war broke out, your warehouses were loaded with goods that you could not sell. [Applause and hisses.] You had over-manufactured; what is the meaning of over-manufacturing but this: that you had skill, capital, machinery, to create faster than you had customers to take goods off your hands? And you know that rich as Great

Britain is, vast as are her manufactures, if she could have fourfold the present demand, she could make fourfold riches to-morrow; and every political economist will tell you that your want is not cotton primarily, but customers. Therefore, the doctrine, how to make customers, is a great deal more important to Great Britain than the doctrine how to raise cotton. It is to that doctrine I ask from you, business men, practical men, men of fact, sagacious Englishmen—to that point I ask a moment's attention. [Shouts of "Oh, oh!" hisses, and applause.] There are no more continents to be discovered. [Hear, hear!] The market of the future must be found—how? There is very little hope of any more demand being created by new fields. If you are to have a better market there must be some kind of process invented to make the old fields better. [A voice, "Tell us something new," shouts of order, and interruption.] Let us look at it, then. You must civilize the world in order to make a better class of purchasers. [Interruption.] If you were to press Italy down again under the feet of despotism, Italy, discouraged, could draw but very few supplies from you. But give her liberty, kindle schools throughout

her valleys, spur her industry, make treaties with her by which she can exchange her wine, and her oil, and her silk for your manufactured goods; and for every effort that you make in that direction there will come back profit to you by increased traffic with her. [Loud applause.] If Hungary asks to be an unshackled nation—if by freedom she will rise in virtue and intelligence, then by freedom she will acquire a more multifarious industry, which she will be willing to exchange for your manufactures. Her liberty is to be found—where? You will find it in the Word of God, you will find it in the code of history; but you will also find it in the Price Current [Hear, hear!]; and every free nation, every civilized people—every people that rises from barbarism to industry and intelligence, becomes a better customer.

A savage is a man of one story, and that one story a cellar. When a man begins to be civilized, he raises another story. When you Christianize and civilize the man, you put story upon story, for you develop faculty after faculty; and you have to supply every story with your productions. The savage is a man one story deep; the civilized man is thirty stories deep. [Applause.] Now, if you go to a lodg-

ing-house, where there are three or four men, your sales to them may, no doubt, be worth something; but if you go to a lodging-house like some of those which I saw in Edinburgh, which seemed to contain about twenty stories ["Oh, oh!" and interruption], every story of which is full, and all who occupy buy of you—which is the better customer, the man who is drawn out, or the man who is pinched up? [Laughter.] Now, there is in this a great and sound principle of economy. ["Yah, yah!" from the passage outside the hall, and loud laughter.] If the South should be rendered independent—[at this juncture mingled cheering and hissing became immense; half the audience rose to their feet, waving hats and handkerchiefs, and in every part of the hall there was the greatest commotion and uproar.] You have had your turn now; now let me have mine again. [Loud applause and laughter.] It is a little inconvenient to talk against the wind; but after all, if you will just keep good-natured—I am not going to lose my temper; will you watch yours? [Applause.] Besides all that, it rests me, and gives me a chance, you know, to get my breath. [Applause and hisses.] And I think that the bark of those men is

worse than their bite. They do not mean any harm—they don't know any better. [Loud laughter, applause, hisses, and continued uproar.] I was saying, when these responses broke in, that it was worth our while to consider both alternatives. What will be the result if this present struggle shall eventuate in the separation of America, and making the South —[loud applause, hisses, hooting, and cries of "Bravo!"]—a slave territory exclusively,—[cries of "No, no!" and laughter]—and the North a free territory,—what will be the final result? You will lay the foundation for carrying the slave population clear through to the Pacific Ocean. This is the first step. There is not a man that has been a leader of the South any time within these twenty years, that has not had this for a plan. It was for this that Texas was invaded, first by colonists, next by marauders, until it was wrested from Mexico. It was for this that they engaged in the Mexican War itself, by which the vast territory reaching to the Pacific was added to the Union. Never for a moment have they given up the plan of spreading the American institutions, as they call them, straight through toward the West, until the slave, who has washed his feet

in the Atlantic, shall be carried to wash them in the Pacific. [Cries of "Question," and uproar.] There! I have got that statement out, and you cannot put it back. [Laughter and applause.] Now, let us consider the prospect. If the South becomes a slave empire, what relation will it have to you as a customer? [A voice: "Or any other man." Laughter.] It would be an empire of 12,000,000 of people. Now, of these, 8,000,000 are white, and 4,000,000 black. [A voice: "How many have you got?" Applause and laughter. Another voice: "Free your own slaves."] Consider that one third of the whole are the miserably poor, unbuying blacks. [Cries of "No, no!" "Yes, yes!" and interruption.] You do not manufacture much for them. [Hisses, "Oh!" "No."] You have not got machinery coarse enough. [Laughter, and "No."] Your labor is too skilled by far to manufacture bagging and linsey-woolsey. [A Southerner: "We are going to free them, every one."] Then you and I agree exactly. [Laughter.] One other third consists of a poor, unskilled, degraded white population; and the remaining one third, which is a large allowance, we will say, intelligent and rich.

Now here are twelve million of people, and

only one third of them are customers that can afford to buy the kind of goods that you bring to market. [Interruption and uproar.] My friends, I saw a man once, who was a little late at a railway station, chase an express train. He did not catch it. [Laughter.] If you are going to stop this meeting, you have got to stop it before I speak; for after I have got the things out, you may chase as long as you please—you would not catch them. [Laughter and interruption.] But there is luck in leisure; I 'm going to take it easy. [Laughter.] Two thirds of the population of the Southern States to-day are non-purchasers of English goods. [A voice: "No, they are not"; "No, no!" and uproar.] Now you must recollect another fact—namely, that this is going on clear through to the Pacific Ocean; and if by sympathy or help you establish a slave empire, you sagacious Britons—["Oh, oh!" and hooting]—if you like it better, then, I will leave the adjective out—[laughter, Hear! and applause]—are busy in favoring the establishment of an empire from ocean to ocean that should have fewest customers and the largest non-buying population. [Applause, "No, no!" A voice: "I thought it was the happy people that populated fastest."]

Now, what can England make for the poor white population of such a future empire, and for her slave population? What carpets, what linens, what cottons can you sell them? What machines, what looking-glasses, what combs, what leather, what books, what pictures, what engravings? [A voice: "We 'll sell them ships."] You may sell ships to a few, but what ships can you sell to two thirds of the population of poor whites and blacks? [Applause.] A little bagging and a little linsey-woolsey, a few whips and manacles, are all that you can sell for the slave. [Great applause and uproar.] This very day, in the slave States of America there are eight millions out of twelve millions that are not, and cannot be your customers from the very laws of trade. [A voice: "Then how are they clothed?" and interrruption.] * * *

But I know that you say, you cannot help sympathizing with a gallant people. [Hear, hear!] They are the weaker people, the minority; and you cannot help going with the minority who are struggling for their rights against the majority. Nothing could be more generous, when a weak party stands for its own legitimate rights against imperious pride and

power, than to sympathize with the weak. But who ever sympathized with a weak thief, because three constables had got hold of him? [Hear, hear!] And yet the one thief in three policemen's hands is the weaker party. I suppose you would sympathize with him. [Hear, hear! laughter, and applause.] Why, when that infamous king of Naples—Bomba, was driven into Gaeta by Garibaldi with his immortal band of patriots, and Cavour sent against him the army of Northern Italy, who was the weaker party then? The tyrant and his minions; and the majority was with the noble Italian patriots, struggling for liberty. I never heard that Old England sent deputations to King Bomba, and yet his troops resisted bravely there. [Laughter and interruption.] To-day the majority of the people of Rome is with Italy. Nothing but French bayonets keeps her from going back to the kingdom of Italy, to which she belongs. Do you sympathize with the minority in Rome or the majority in Italy? [A voice: "With Italy."] To-day the South is the minority in America, and they are fighting for *independence!* For what? [Uproar. A voice: "Three cheers for independence!" and hisses.] I could wish so much bravery had a better cause, and that

so much self-denial had been less deluded; that the poisonous and venomous doctrine of State rights might have been kept aloof; that so many gallant spirits, such as Jackson, might still have lived. [Great applause and loud cheers, again and again renewed.] The force of these facts, historical and incontrovertible, cannot be broken, except by diverting attention by an attack upon the North. It is said that the North is fighting for Union, and not for emancipation. The North is fighting for Union, for that ensures emancipation. [Loud cheers, "Oh, oh!" "No, no!" and cheers.] A great many men say to ministers of the Gospel: "You pretend to be preaching and working for the love of the people. Why, you are all the time preaching for the sake of the Church." What does the minister say? "It is by means of the Church that we help the people," and when men say that we are fighting for the Union, I too say we are fighting for the Union. [Hear, hear! and a voice: "That 's right."] But the motive determines the value; and why are we fighting for the Union? Because we never shall forget the testimony of our enemies. They have gone off declaring that the Union in the hands of the North was fatal to slavery. [Loud applause.] There

is testimony in court for you. [A voice: "See that," and laughter.] * * *

In the first place I am ashamed to confess that such was the thoughtlessness—[interruption]—such was the stupor of the North—[renewed interruption]—you will get a word at a time; to-morrow will let folks see what it is you don't want to hear—that for a period of twenty-five years she went to sleep, and permitted herself to be drugged and poisoned with the Southern prejudice against black men. [Applause and uproar.] The evil was made worse, because, when any object whatever has caused anger between political parties, a political animosity arises against that object, no matter how innocent in itself; no matter what were the original influences which excited the quarrel. Thus the colored man has been the football between the two parties in the North, and has suffered accordingly. I confess it to my shame. But I am speaking now on my own ground, for I began twenty-five years ago, with a small party, to combat the unjust dislike of the colored man. [Loud applause, dissension, and uproar. The interruption at this point became so violent that the friends of Mr. Beecher throughout the hall rose to their feet,

waving hats and handkerchiefs, and renewing their shouts of applause. The interruption lasted some minutes.] Well, I have lived to see a total revolution in the Northern feeling—I stand here to bear solemn witness of that. It is not my opinion; it is my knowledge. [Great uproar.] Those men who undertook to stand up for the rights of all men—black as well as white—have increased in number; and now what party in the North represents those men that resist the evil prejudices of past years? The Republicans are that party. [Loud applause.] And who are those men in the North that have oppressed the negro? They are *the Peace Democrats; and the prejudice for which in England you are attempting to punish me, is a prejudice raised by the men who have opposed me all my life.* These pro-slavery Democrats abuse the negro. I defended him, and they mobbed me for doing it. Oh, justice! [Loud laughter, applause, and hisses.] This is as if a man should commit an assault, maim and wound a neighbor, and a surgeon being called in should begin to dress his wounds, and by and by a policeman should come and collar the surgeon and haul him off to prison on account of the wounds which he was healing.

Now, I told you I would not flinch from any thing. I am going to read you some questions that were sent after me from Glasgow, purporting to be from a workingman. [Great interruption.] If those pro-slavery interrupters think they will tire me out, they will do more than eight millions in America could. [Applause and renewed interruption.] I was reading a question on your side too. "Is it not a fact that in most of the Northern States laws exist precluding negroes from equal civil and political rights with the whites? That in the State of New York the negro has to be the possessor of at least two hundred and fifty dollars' worth of property to entitle him to the privileges of a white citizen? That in some of the Northern States the colored man, whether bond or free, is by law excluded altogether, and not suffered to enter the State limits, under severe penalties? and is not Mr. Lincoln's own State one of them? and in view of the fact that the $20,000,000 compensation which was promised to Missouri in aid of emancipation was defeated in the last Congress (the strongest Republican Congress that ever assembled), what has the North done toward emancipation?" Now, then, there 's a dose

for you. [A voice: "Answer it."] And I will address myself to the answering of it. And first, the bill for emancipation in Missouri, to which this money was denied, was a bill which was drawn by what we call "log-rollers," who inserted in it an enormously disproportioned price for the slaves. The Republicans offered to give them $10,000,000 for the slaves in Missouri, and they outvoted it because they could not get $12,000,000. Already half the slave population had been "run" down South, and yet they came up to Congress to get $12,000,000 for what was not worth ten millions, nor even eight millions. Now as to those States that had passed "black" laws, as we call them; they are filled with Southern emigrants. The southern parts of Ohio, the southern part of Indiana, where I myself lived for years, and which I knew like a book, the southern part of Illinois, where Mr. Lincoln lives—[great uproar]—these parts are largely settled by emigrants from Kentucky, Tennessee, Georgia, Virginia, and North Carolina, and it was their vote, or the Northern votes pandering for political reasons to theirs, that passed in those States the infamous "black" laws; and the Republicans in these States have a record, clean and white,

as having opposed these laws in every instance as "infamous." Now as to the State of New York; it is asked whether a negro is not obliged to have a certain freehold property, or a certain amount of property, before he can vote. It is so still in North Carolina and Rhode Island for *white* folks—it is so in New York State. [Mr. Beecher's voice slightly failed him here, and he was interrupted by a person who tried to imitate him. Cries of "Shame!" and "Turn him out!"] I am not undertaking to say that these faults of the North, which were brought upon them by the bad example and influence of the South, are all cured; but I do say that they are in *process* of cure which promises, if unimpeded by foreign influence, to make all such odious distinctions vanish.

There is another fact that I wish to allude to —not for the sake of reproach or blame, but by way of claiming your more lenient consideration—and that is, that slavery was entailed upon us by your action. [Hear, hear!] Against the earnest protests of the colonists the then government of Great Britain—I will concede not knowing what were the mischiefs—ignorantly, but in point of fact, forced slave traffic

on the unwilling colonists. [Great uproar, in the midst of which one individual was lifted up and carried out of the room amidst cheers and hisses.]

The CHAIRMAN: If you would only sit down no disturbance would take place.

The disturbance having subsided,

MR BEECHER said: I was going to ask you, suppose a child is born with hereditary disease; suppose this disease was entailed upon him by parents who had contracted it by their own misconduct, would it be fair that those parents that had brought into the world the diseased child, should rail at that child because it was diseased. ["No, no!"] Would not the child have a right to turn round and say: "Father, it was your fault that I had it, and you ought to be pleased to be patient with my deficiencies." [Applause and hisses, and cries of "Order!" Great interruption and great disturbance here took place on the right of the platform; and the chairman said that if the persons around the unfortunate individual who had caused the disturbance would allow him to speak alone, but not assist him in making the disturbance, it might soon be put an end to. The interruption continued until another person was carried out

of the hall.] Mr. Beecher continued: I do not ask that you should justify slavery in us, because it was wrong in you two hundred years ago; but having ignorantly been the means of fixing it upon us, now that we are struggling with mortal struggles to free ourselves from it, we have a right to your tolerance, your patience, and charitable constructions.

No man can unveil the future; no man can tell what revolutions are about to break upon the world; no man can tell what destiny belongs to France, nor to any of the European powers; but one thing is certain, that in the exigencies of the future there will be combinations and recombinations, and that those nations that are of the same faith, the same blood, and the same substantial interests, ought not to be alienated from each other, but ought to stand together. [Immense cheering and hisses.] I do not say that you ought not to be in the most friendly alliance with France or with Germany; but I do say that your own children, the offspring of England, ought to be nearer to you than any people of strange tongue. [A voice: "Degenerate sons," applause and hisses; another voice: "What about the *Trent?*"] If there had been any feelings

of bitterness in America, let me tell you that they had been excited, rightly or wrongly, under the impression that Great Britain was going to intervene between us and our own lawful struggle. [A voice: "No!" and applause.] With the evidence that there is no such intention all bitter feelings will pass away. [Applause.] We do not agree with the recent doctrine of neutrality as a question of law. But it is past, and we are not disposed to raise that question. We accept it now as a fact, and we say that the utterance of Lord Russell at Blairgowrie—[Applause, hisses, and a voice: "What about Lord Brougham?"]—together with the declaration of the government in stopping war-steamers here—[great uproar, and applause]—has gone far toward quieting every fear and removing every apprehension from our minds. [Uproar and shouts of applause.] And now in the future it is the work of every good man and patriot not to create divisions, but to do the things that will make for peace. ["Oh, oh!" and laughter.] On our part it shall be done. [Applause and hisses, and "No, no!"] On your part it ought to be done; and when in any of the convulsions that come upon the world, Great Britain finds herself struggling

single-handed against the gigantic powers that spread oppression and darkness—[applause, hisses, and uproar]—there ought to be such cordiality that she can turn and say to her first-born and most illustrious child, "Come!" [Hear, hear! applause, tremendous cheers, and uproar.] I will not say that England cannot again, as hitherto, single-handed manage any power—[applause and uproar]—but I will say that England and America together for religion and liberty—[A voice: "Soap, soap," uproar, and great applause]—are a match for the world. [Applause; a voice: "They don't want any more soft soap."] Now, gentlemen and ladies—[A voice: "Sam Slick"; and another voice: Ladies and gentlemen, if you please,"]—when I came I was asked whether I would answer questions, and I very readily consented to do so, as I had in other places; but I will tell you it was because I expected to have the opportunity of speaking with some sort of ease and quiet. [A voice: "So you have."] I have for an hour and a half spoken against a storm—[Hear, hear!]—and you yourselves are witnesses that, by the interruption, I have been obliged to strive with my voice, so that I no longer have the power to control this assembly.

[Applause.] And although I am in spirit perfectly willing to answer any question, and more than glad of the chance, yet I am by this very unnecessary opposition to-night incapacitated physically from doing it. Ladies and gentlemen, I bid you good-evening.

ABRAHAM LINCOLN.

THE GETTYSBURGH ADDRESS, NOVEMBER 19, 1863.

FOURSCORE and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did

here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the earth.

ABRAHAM LINCOLN.

SECOND INAUGURAL ADDRESS, MARCH 4, 1865.

FELLOW-COUNTRYMEN:

At this second appearing to take the oath of the Presidential office, there is less occasion for an extended address than there was at first. Then a statement, somewhat in detail, of a course to be pursued seemed very fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented.

The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself, and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago, all thoughts were anxiously directed

to an impending civil war. All dreaded it, all sought to avoid it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it with war—seeking to dissolve the Union and divide the effects by negotiation. Both parties deprecated war, but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish, and the war came. One eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the Southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union by war, while the government claimed no right to do more than to restrict the territorial enlargement of it.

Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease when, or even before the conflict itself should cease. Each looked for an easier triumph, and a result less funda-

mental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayer of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. Woe unto the world because of offences, for it must needs be that offences come, but woe to that man by whom the offence cometh. If we shall suppose that American slavery is one of those offences which, in the providence of God, must needs come, but which having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offence came, shall we discern there any departure from those Divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unre-

quited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, that the judgments of the Lord are true and righteous altogether.

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphans, to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations.

HENRY WINTER DAVIS,

OF MARYLAND.

(BORN 1817, DIED 1865.)

ON RECONSTRUCTION; THE FIRST REPUBLICAN THEORY; HOUSE OF REPRESENTATIVES, MARCH 22, 1864.

Mr. SPEAKER:

The bill which I am directed by the committee on the rebellious States to report is one which provides for the restoration of civil government in States whose governments have been overthrown. It prescribes such conditions as will secure not only civil government to the people of the rebellious States, but will also secure to the people of the United States permanent peace after the suppression of the rebellion. The bill challenges the support of all who consider slavery the cause of the rebellion, and that in it the embers of rebellion will always smoulder; of those who think that free-

dom and permanent peace are inseparable, and who are determined, so far as their constitutional authority will allow them, to secure these fruits by adequate legislation. * * * It is entitled to the support of all gentlemen upon this side of the House, whatever their views may be of the nature of the rebellion, and the relation in which it has placed the people and States in rebellion toward the United States; not less of those who think that the rebellion has placed the citizens of the rebel States beyond the protection of the Constitution, and that Congress, therefore, has supreme power over them as conquered enemies, than of that other class who think that they have not ceased to be citizens and States of the United States, though incapable of exercising political privileges under the Constitution, but that Congress is charged with a high political power by the Constitution to guarantee republican governments in the States, and that this is the proper time and the proper mode of exercising it. It is also entitled to the favorable consideration of gentlemen upon the other side of the House who honestly and deliberately express their judgment that slavery is dead. To them it puts the question whether it is not advisable to

bury it out of sight, that its ghost may no longer stalk abroad to frighten us from our propriety.

What is the nature of this case with which we have to deal, the evil we must remedy, the danger we must avert? In other words, what is that monster of political wrong which is called secession? It is not, Mr. Speaker, domestic violence, within the meaning of that clause of the Constitution, for the violence was the act of the people of those States through their governments, and was the offspring of their free and unforced will. It is not invasion, in the meaning of the Constitution, for no State has been invaded against the will of the government of the State by any power except the United States marching to overthrow the usurpers of its territory. It is, therefore, the act of the people of the States, carrying with it all the consequences of such an act. And therefore it must be either a legal revolution, which makes them independent, and makes of the United States a foreign country, or it is a usurpation against the authority of the United States, the erection of governments which do not recognize the Constitution of the United States, which the Constitution does not recog-

nize, and, therefore, not republican governments of the States in rebellion. The latter is the view which all parties take of it. I do not understand that any gentleman on the other side of the House says that any rebel government which does not recognize the Constitution of the United States, and which is not recognized by Congress, is a State government within the meaning of the Constitution. Still less can it be said that there is a State government, republican or unrepublican, in the State of Tennessee, where there is no government of any kind, no civil authority, no organized form of administration except that represented by the flag of the United States, obeying the will and under the orders of the military officer in command. * * * Those that are here represented are the only governments existing within the limits of the United States. Those that are not here represented are not governments of the States, republican under the Constitution. And if they be not, then they are military usurpations, inaugurated as the permanent governments of the States, contrary to the supreme law of the land, arrayed in arms against the Government of the United States; and it is the duty, the first and highest duty, of

the government to suppress and expel them. Congress must either expel or recognize and support them. If it do not guarantee them, it is bound to expel them ; and they who are not ready to suppress are bound to recognize them.

We are now engaged in suppressing a military usurpation of the authority of the State governments. When that shall have been accomplished, there will be no form of State authority in existence which Congress can recognize. Our success will be the overthrow of all semblance of government in the rebel States. The Government of the United States is then in fact the only government existing in those States, and it is there charged to guarantee them republican governments.

What jurisdiction does the duty of guaranteeing a republican government confer under such circumstances upon Congress? What right does it give? What laws may it pass? What objects may it accomplish? What conditions may it insist upon, and what judgment may it exercise in determining what it will do? The duty of guaranteeing carries with it the right to pass all laws necessary and proper to guarantee. The duty of guaranteeing means the duty to accomplish the result. It means

that the republican government shall exist. It means that every opposition to republican government shall be put down. It means that every thing inconsistent with the permanent continuance of republican government shall be weeded out. It places in the hands of Congress to say what is and what is not, with all the light of experience and all the lessons of the past, inconsistent, in its judgment, with the permanent continuance of republican government; and if, in its judgment, any form of policy is radically and inherently inconsistent with the permanent and enduring peace of the country, with the permanent supremacy of republican government, and it have the manliness to say so, there is no power, judicial or executive, in the United States that can even question this judgment but the people; and they can do it only by sending other Representatives here to undo our work. The very language of the Constitution, and the necessary logic of the case, involve that consequence. The denial of the right of secession means that all the territory of the United States shall remain under the jurisdiction of the Constitution. If there can be no State government which does not recognize the Constitution, and which the

authorities of the United States do not recognize, then there are these alternatives, and these only: the rebel States must be governed by Congress till they submit and form a State government under the Constitution; or Congress must recognize State governments which do not recognize either Congress or the Constitution of the United States; or there must be an entire absence of all government in the rebel States—and that is anarchy. To recognize a government which does not recognize the Constitution is absurd, for a government is not a constitution; and the recognition of a State government means the acknowledgment of men as governors and legislators and judges, actually invested with power to make laws, to judge of crimes, to convict the citizens of other States, to demand the surrender of fugitives from justice, to arm and command the militia, to require the United States to repress all opposition to its authority, and to protect it against invasion—against our own armies; whose Senators and Representatives are entitled to seats in Congress, and whose electoral votes must be counted in the election of the President of a government which they disown and defy. To accept the alternative of anarchy as the consti-

tutional condition of a State is to assert the failure of the Constitution and the end of republican government. Until, therefore, Congress recognize a State government, organized under its auspices, there is no government in the rebel States except the authority of Congress. * * * When military opposition shall have been suppressed, not merely paralyzed, driven into a corner, pushed back, but gone, the horrid vision of civil war vanished from the South, then call upon the people to reorganize in their own way, subject to the conditions that we think essential to our permanent peace, and to prevent the revival hereafter of the rebellion —a republican government in the form that the people of the United States can agree to.

Now, for that purpose there are three modes indicated. One is to remove the cause of the war by an alteration of the Constitution of the United States, prohibiting slavery everywhere within its limits. That, sir, goes to the root of the matter, and should consecrate the nation's triumph. But there are thirty-four States; three fourths of them would be twenty-six. I believe there are twenty-five States represented in this Congress; so that we on that basis cannot change the Constitution. It is, therefore,

a condition precedent in that view of the case that more States shall have governments organized within them. If it be assumed that the basis of calculation shall be three fourths of the States now represented in Congress, I agree to that construction of the Constitution. * * * But, under any circumstances, even upon that basis it will be difficult to find three fourths of the States, with New Jersey, or Kentucky, or Maryland, or Delaware, or other States that might be mentioned, opposed to it, under existing auspices, to adopt such a clause of the Constitution after we shall have agreed to it. If adopted it still leaves all laws necessary to the ascertainment of the will of the people, and all restrictions on the return to power of the leaders of the rebellion, wholly unprovided for. The amendment of the Constitution meets my hearty approval, but it is not a remedy for the evils we must deal with.

The next plan is that inaugurated by the President of the United States, in the proclamation of the 8th December (1863), called the amnesty proclamation. That proposes no guardianship of the United States over the reorganization of the governments, no law to prescribe who shall vote, no civil functionaries to see that

the law is faithfully executed, no supervising authority to control and judge of the election. But if in any manner by the toleration of martial law, lately proclaimed the fundamental law, under the dictation of any military authority, or under the prescription of a provost marshal, something in the form of a government shall be presented, represented to rest on the votes of one tenth of the population, the President will recognize that, provided it does not contravene the proclamation of freedom and the laws of Congress; and to secure that an oath is exacted. There is no guaranty of law to watch over the organization of that government. It may be recognized by the military power, and not recognized by the civil power, so that it would have a doubtful existence, half civil and half military, neither a temporary government by law of Congress nor a State government, something as unknown to the Constitution as the rebel government that refuses to recognize it. The only prescription is that it shall not contravene the provisions of the proclamation. Sir, if that proclamation be valid, then we are relieved from all trouble on that score. But if that proclamation be not valid, then the oath to support it is without legal sanction, for the

President can ask no man to bind himself by an oath to support an unfounded proclamation or an unconstitutional law even for a moment, still less after it shall have been declared void by the Supreme Court of the United States.

By the bill we propose to preclude the judicial question by the solution of a political question. How so? By the paramount power of Congress to reorganize governments in those States, to impose such conditions as it thinks necessary to secure the permanence of republican government, to refuse to recognize any governments there which do not prohibit slavery forever. Ay, gentlemen, take the responsibility to say in the face of those who clamor for the speedy recognition of governments tolerating slavery, that the safety of the people of the United States is the supreme law; that their will is the supreme rule of law, and that we are authorized to pronounce their will on this subject. Take the responsibility to say that we will revise the judgments of our ancestors; that we have experience written in blood which they had not; that we find now what they darkly doubted, that slavery is really, radically inconsistent with the permanence of republican governments; and that being charged

by the supreme law of the land on our conscience and judgment to guarantee, that is to continue, maintain and enforce, if it exist, to institute and restore, when overthrown, republican government throughout the broad limits of the republic, we will weed out every element of their policy which we think incompatible with its permanence and endurance. The purpose of the bill is to preclude the judicial question of the validity and effect of the President's proclamation by the decision of the political authority in reorganizing the State governments. It makes the rule of decision the provisions of the State constitution, which, when recognized by Congress, can be questioned in no court; and it adds to the authority of the proclamation the sanction of Congress. If gentlemen say that the Constitution does not bear that construction, we will go before the people of the United States on that question, and by their judgment we will abide.

GEORGE H. PENDLETON,

OF OHIO.

(BORN 1825.)

ON RECONSTRUCTION ; THE DEMOCRATIC THEORY ; HOUSE OF REPRESENTATIVES, MAY 4, 1864.

THE gentleman [Mr. H. W. Davis] maintains two propositions, which lie at the very basis of his views on this subject. He has explained them to the House, and enforced them on other occasions. He maintains that, by reason of their secession, the seceded States and their citizens "have not ceased to be citizens and States of the United States, though incapable of exercising political privileges under the Constitution, but that Congress is charged with a high political power by the Constitution to guarantee republican government in the States, and that this is the proper time and the proper mode of exercising it." This act of revolution on the part of the seceding States has evoked the most extraordinary theories upon the rela-

tions of the States to the Federal Government. This theory of the gentleman is one of them.

The ratification of the Constitution by Virginia established the relation between herself and the Federal Government; it created the link between her and all the States; it announced her assumption of the duties, her title to the rights, of the confederating States; it proclaimed her interest in, her power over, her obedience to, the common agent of all the States. If Virginia had never ordained that ratification, she would have been an independent State; the Constitution would have been as perfect and the union between the ratifying States would have been as complete as they now are. Virginia repeals that ordinance, annuls that bond of union, breaks that link of confederation. She repeals but a single law, repeals it by the action of a sovereign convention, leaves her constitution, her laws, her political and social polity untouched. And the gentleman from Maryland tells us that the effect of this repeal is not to destroy the vigor of that law, but to subvert the State government, and to render the citizens "incapable of exercising political privileges"; that the Union remains, but that one party to it has thereby

lost its corporate existence, and the other has advanced to the control and government of it.

Sir, this cannot be. Gentlemen must not palter in a double sense. These acts of secession are either valid or invalid. If they are valid, they separated the State from the Union. If they are invalid, they are void; they have no effect; the State officers who act upon them are rebels to the Federal Government; the States are not destroyed; their constitutions are not abrogated; their officers are committing illegal acts, for which they are liable to punishment; the States have never left the Union, but, as soon as their officers shall perform their duties or other officers shall assume their places, will again perform the duties imposed, and enjoy the privileges conferred, by the Federal compact, and this not by virtue of a new ratification of the Constitution, nor a new admission by the Federal Government, but by virtue of the original ratification, and the constant, uninterrupted maintenance of position in the Federal Union since that date.

Acts of secession are not invalid to destroy the Union, and valid to destroy the State governments and the political privileges of their

citizens. We have heard much of the twofold relations which citizens of the seceded States may hold to the Federal Government—that they may be at once belligerents and rebellious citizens. I believe there are some judicial decisions to that effect. Sir, it is impossible. The Federal Government may possibly have the right to elect in which relation it will deal with them; it cannot deal at one and the same time in inconsistent relations. Belligerents, being captured, are entitled to be treated as prisoners of war; rebellious citizens are liable to be hanged. The private property of belligerents, according to the rules of modern war, shall not be taken without compensation; the property of rebellious citizens is liable to confiscation. Belligerents are not amenable to the local criminal law, nor to the jurisdiction of the courts which administer it; rebellious citizens are, and the officers are bound to enforce the law and exact the penalty of its infraction. The seceded States are either in the Union or out of it. If in the Union, their constitutions are untouched, their State governments are maintained, their citizens are entitled to all political rights, except so far as they may be deprived of them by the criminal law which they have infracted.

This seems incomprehensible to the gentleman from Maryland. In his view, the whole State government centres in the men who administer it, so that, when they administer it unwisely, or put it in antagonism to the Federal Government, the State government is dissolved, the State constitution is abrogated, and the State is left, in fact and in form, *de jure* and *de facto*, in anarchy, except so far as the Federal Government may rightfully intervene. * * * I submit that these gentlemen do not see with their usual clearness of vision. If, by a plague or other visitation of God, every officer of a State government should at the same moment die, so that not a single person clothed with official power should remain, would the State government be destroyed? Not at all. For the moment it would not be administered; but as soon as officers were elected, and assumed their respective duties, it would be instantly in full force and vigor.

If these States are out of the Union, their State governments are still in force, unless otherwise changed; their citizens are to the Federal Government as foreigners, and it has in relation to them the same rights, and none other, as it had in relation to British sub-

jects in the war of 1812, or to the Mexicans in 1846. Whatever may be the true relation of the seceding States, the Federal Government derives no power in relation to them or their citizens from the provision of the Constitution now under consideration, but, in the one case, derives all its power from the duty of enforcing the "supreme law of the land," and in the other, from the power "to declare war."

The second proposition of the gentleman from Maryland is this—I use his language: "That clause vests in the Congress of the United States a plenary, supreme, unlimited political jurisdiction, paramount over courts, subject only to the judgment of the people of the United States, embracing within its scope every legislative measure necessary and proper to make it effectual; and what is necessary and proper the Constitution refers in the first place to our judgment, subject to no revision but that of the people."

The gentleman states his case too strongly. The duty imposed on Congress is doubtless important, but Congress has no right to use a means of performing it forbidden by the Constitution, no matter how necessary or proper it might be thought to be. But, sir, this doctrine

is monstrous. It has no foundation in the Constitution. It subjects all the States to the will of Congress; it places their institutions at the feet of Congress. It creates in Congress an absolute, unqualified despotism. It asserts the power of Congress in changing the State governments to be "plenary, supreme, unlimited," "subject only to revision by the people of the United States." The rights of the people of the State are nothing; their will is nothing. Congress first decides; the people of the whole Union revise. My own State of Ohio is liable at any moment to be called in question for her constitution. She does not permit negroes to vote. If this doctrine be true, Congress may decide that this exclusion is anti-republican, and by force of arms abrogate that constitution and set up another, permitting negroes to vote. From that decision of Congress there is no appeal to the people of Ohio, but only to the people of New York and Massachusetts and Wisconsin, at the election of representatives, and, if a majority cannot be elected to reverse the decision, the people of Ohio must submit. Woe be to the day when that doctrine shall be established, for from its centralized despotism we will appeal to the sword!

Sir, the rights of the States were the foundation corners of the confederation. The Constitution recognized them, maintained them, provided for their perpetuation. Our fathers thought them the safeguard of our liberties. They have proved so. They have reconciled liberty with empire; they have reconciled the freedom of the individual with the increase of our magnificent domain. They are the test, the touchstone, the security of our liberties. This bill, and the avowed doctrine of its supporters, sweeps them all instantly away. It substitutes despotism for self-government—despotism the more severe because vested in a numerous Congress elected by a people who may not feel the exercise of its power. It subverts the government, destroys the confederation, and erects a tyranny on the ruins of republican governments. It creates unity—it destroys liberty; it maintains integrity of territory, but destroys the rights of the citizen.

JOHN SHERMAN,

OF OHIO.

(BORN 1823.)

ON PRESIDENT JOHNSON'S POLICY; UNITED STATES SENATE, FEBRUARY 23, 1866.

I WILL ask Senators this plain question, whether we have a right now, having failed to do our constitutional duty, to arraign Andrew Johnson for following out a plan which, in his judgment, he deemed the best, and especially when that plan was the plan adopted by Mr. Lincoln, and which had at least the apparent ratification of the people of the United States in the election of Lincoln and Johnson. * * * In the absence of law, I ask you whether President Lincoln and President Johnson did not do substantially right when they adopted a plan of their own and endeavored to carry it into execution? Although we may now find fault with the terms and conditions that were imposed by them upon the Southern States, yet

we must remember that the source of all power in this country, the people of the United States, in the election of these two men substantially sanctioned the plan of Mr. Lincoln. Why, sir, at the very time that Andrew Johnson was nominated for the Vice-Presidency, he was in Tennessee as military governor, executing the very plan that he subsequently attempted to carry out, and he was elected Vice-President of the United States when he was in the practical execution of that plan. * * *

I propose now to recall, very briefly, the steps adopted by President Johnson in his plan of reconstruction. * * * His first act was to retain in his confidence and his councils every member of the cabinet of Abraham Lincoln; and, so far as we know, every measure adopted by Andrew Johnson has had the approval and sanction of that cabinet. * * * Not only that, but he adopted the policy of Abraham Lincoln *in hæc verba*. * * * Not only that, but in carrying out his plans of reconstruction, he adopted all the main features of the only bill passed by Congress, the Wade and Davis bill. * * * Now I ask you what were the conditions imposed on these people? First, the adoption of the (XIIIth)

constitutional amendment. He was not willing to leave the matter to their amnesty oath, or to the proclamation of President Lincoln, but he demanded of them the incorporation in their State constitutions of a prohibition of slavery, so as to secure beyond peradventure the abolition of slavery for ever and ever throughout the United States. This he required in every order issued to the South, and demanded it as a first and preliminary condition to any effort toward reconstruction. Next he demanded a repudiation of the rebel debt, and a guaranty put into the constitutions of the respective States that they never would, under any circumstances, pay any portion of the rebel debt. Next he secured the enforcement of the test oath, so that every officer in the Southern States, under the act of Congress, was compelled to take that oath; or, if he could not find officers there to do it, he sent officers from the Northern States to do it, so that this law, the most objectionable of any to the Southern people, was enforced in all instances at the South. * * * Next he enforced in every case full and ample protection to the freedmen of the Southern States. As I said before, no case was ever brought to his knowledge, so far as I can

gather, in which he did not do full and substantial justice. * * *

The principal objection that has been made to his policy is that he did not extend his invitation to all the loyal men of the Southern States, including the colored as well as the white people. * * * Now, let us look at that question. In every one of the seceded States, before the rebellion, the negro was excluded from the right of voting by their laws. It is true the Senator from Massachusetts would say these are all swept away. Admit that; but in a majority of the Northern States to this hour there is a denial of the right of suffrage to the colored population. In Ohio, Pennsylvania, and New York that right is limited, and these three States contain one third of the people of the United States. In a large majority of the States, including the most populous, negro suffrage is prohibited. And yet you ask President Johnson, by a simple mandatory proclamation or military order, to confer the franchise on a class of people who are not only prohibited from voting in the eleven Southern States, but in a majority of the Nortern States, and, indeed, I think, in all the States except six. * * * We complain here that the President has not

exercised his power to extend to freedmen the right of suffrage when Congress never has done it. We have absolute authority over this District; and, until this session, the proposition was not seriously mooted to extend the suffrage to the colored population. Here, better than anywhere else in the Union, they are fitted and entitled to suffrage; and yet we never, in our legislative power for this District, where we have absolute power, complied with that condition which has been asked of the President of the United States. * * * So, I think, we have never conferred the right to vote upon negroes in the Territories. * * * And this is not all; in the only plan Congress has ever proposed for the reconstruction of the Southern States, the Wade and Davis bill, to which I have referred so often, Congress did not and would not make negro suffrage a part of their plan. The effort was made to do so, and was abandoned. By that bill the suffrage was conferred only upon white male loyal citizens. And in the plan adopted by the President, he adopted in this respect the very same conditions for suffrage prescribed by Congress. Now, have we, as candid and honorable men, the right to complain of the President because he declined

to extend suffrage to this most ignorant freed population, when we have refused or neglected to extend it to them, or to the negroes of this District, or to the colored men who may go to the Territories? No, sir; whatever may be our opinion of the theory or right of every man to vote—and I do not dispute or contest with honorable Senators upon that point—I say, with the President, that to ask him to extend to four millions of these people the right of suffrage, when we have not the courage to extend it to those within our control, when our States, represented by us here on this floor, have refused to do it, is to make of him an unreasonable demand, in which the people of the United States will not sustain Congress.

THADDEUS STEVENS,

OF PENNSYLVANIA.

(BORN 1792, DIED 1868.)

ON THE FIRST RECONSTRUCTION BILL; HOUSE OF REPRESENTATIVES, JANUARY 3, 1867.

MR. SPEAKER:

What are the great questions which now divide the nation? In the midst of the political Babel which has been produced by the intermingling of secessionists, rebels, pardoned traitors, hissing Copperheads, and apostate Republicans, such a confusion of tongues is heard that it is difficult to understand either the questions that are asked or the answers that are given. Ask what is the "President's policy," and it is difficult to define it. Ask what is the "policy of Congress," and the answer is not always at hand. A few moments may be profitably spent in seeking the meaning of each of these terms.

In this country the whole sovereignty rests

with the people, and is exercised through their Representatives in Congress assembled. The legislative power is the sole guardian of that sovereignty. No other branch of the government, no other department, no other officer of the government, possesses one single particle of the sovereignty of the nation. No government official, from the President and Chief-Justice down, can do any one act which is not prescribed and directed by the legislative power. Suppose the government were now to be organized for the first time under the Constitution, and the President had been elected, and the judiciary appointed; what could either do until Congress passed laws to regulate their proceedings? What power would the President have over any one subject of government until Congress had legislated on that subject? * * * The President could not even create bureaus or departments to facilitate his executive operations. He must ask leave of Congress. Since, then, the President cannot enact, alter, or modify a single law; cannot even create a petty office within his own sphere of operations; if, in short, he is the mere servant of the people, who issue their commands to him through Congress, whence does he derive the constitutional

power to create new States, to remodel old ones, to dictate organic laws, to fix the qualifications of voters, to declare that States are republican and entitled to command Congress, to admit their Representatives? To my mind it is either the most ignorant and shallow mistake of his duties, or the most brazen and impudent usurpation of power. It is claimed for him by some as commander-in-chief of the army and navy. How absurd that a mere executive officer should claim creative powers. Though commander-in-chief by the Constitution, he would have nothing to command, either by land or water until Congress raised both army and navy. Congress also prescribes the rules and regulations to govern the army; even that is not left to the Commander-in-chief.

Though the President is commander-in-chief, Congress is his commander; and, God willing, he shall obey. He and his minions shall learn that this is not a government of kings and satraps, but a government of the people, and that Congress is the people. * * * To reconstruct the nation, to admit new States, to guarantee republican governments to old States, are all legislative acts. The President claims the right to exercise them. Congress denies it, and

asserts the right to belong to the legislative branch. They have determined to defend these rights against all usurpers. They have determined that, while in their keeping, the Constitution shall not be violated with impunity. This I take to be the great question between the President and Congress. He claims the right to reconstruct by his own power. Congress denies him all power in the matter except that of advice, and has determined to maintain such denial. "My policy" asserts full power in the Executive. The policy of Congress forbids him to exercise any power therein.

Beyond this I do not agree that the "policy" of the parties is defined. To be sure, many subordinate items of the policy of each may be easily sketched. The President * * * desires that the traitors (having sternly executed that most important leader, Rickety Wirz, as a high example) should be exempt from further fine, imprisonment, forfeiture, exile, or capital punishment, and be declared entitled to all the rights of loyal citizens. He desires that the States created by him shall be acknowledged as valid States, while at the same time he inconsistently declares that the old rebel States are in full existence, and always have been, and have equal

rights with the loyal States. He opposes the amendment to the Constitution which changes the basis of representation, and desires the old slave States to have the benefit of their increase of freemen without increasing the number of votes; in short, he desires to make the vote of one rebel in South Carolina equal to the votes of three freemen in Pennsylvania or New York. He is determined to force a solid rebel delegation into Congress from the South, which, together with Northern Copperheads, could at once control Congress and elect all future Presidents.

Congress refuses to treat the States created by him as of any validity, and denies that the old rebel States have any existence which gives them any rights under the Constitution. Congress insists on changing the basis of representation so as to put white voters on an equality in both sections, and that such change shall precede the admission of any State. * * * Congress denies that any State lately in rebellion has any government or constitution known to the Constitution of the United States, or which can be recognized as a part of the Union. How, then, can such a State adopt the (XIIIth) amendment? To allow it would be yielding

the whole question, and admitting the unimpaired rights of the seceded States. I know of no Republican who does not ridicule what Mr. Seward thought a cunning movement, in counting Virginia and other outlawed States among those which had adopted the constitutional amendment abolishing slavery.

It is to be regretted that inconsiderate and incautious Republicans should ever have supposed that the slight amendments already proposed to the Constitution, even when incorporated into that instrument, would satisfy the reforms necessary for the security of the government. Unless the rebel States, before admission, should be made republican in spirit, and placed under the guardianship of loyal men, all our blood and treasure will have been spent in vain. * * * The law of last session with regard to Territories settled the principles of such acts. Impartial suffrage, both in electing the delegates and in ratifying their proceedings, is now the fixed rule. There is more reason why colored voters should be admitted in the rebel States than in the Territories. In the States they form the great mass of the loyal men. Possibly, with their aid, loyal governments may be established in most of those States. Without it all

are sure to be ruled by traitors; and loyal men, black or white, will be oppressed, exiled, or murdered.

There are several good reasons for the passage of this bill. In the first place, it is just. I am now confining my argument to negro suffrage in the rebel States. Have not loyal blacks quite as good a right to choose rulers and make laws as rebel whites? In the second place, it is a necessity in order to protect the loyal white men in the seceded States. With them the blacks would act in a body; and it is believed then, in each of said States, except one, the two united would form a majority, control the States, and protect themselves. Now they are the victims of daily murder. They must suffer constant persecution or be exiled.

Another good reason is that it would insure the ascendency of the Union party. "Do you avow the party purpose?" exclaims some horror-stricken demagogue. I do. For I believe, on my conscience, that on the continued ascendency of that party depends the safety of this great nation. If impartial suffrage is excluded in the rebel States, then every one of them is sure to send a solid rebel representation to Congress, and cast a solid rebel electoral vote. They,

with their kindred Copperheads of the North, would always elect the President and control Congress. While slavery sat upon her defiant throne, and insulted and intimidated the trembling North, the South frequently divided on questions of policy between Whigs and Democrats, and gave victory alternately to the sections. Now, you must divide them between loyalists, without regard to color, and disloyalists, or you will be the perpetual vassals of the free-trade, irritated, revengeful South. For these, among other reasons, I am for negro suffrage in every rebel State. If it be just, it should not be denied; if it be necessary, it should be adopted; if it be a punishment to traitors, they deserve it.

JAMES ABRAM GARFIELD,

OF OHIO.

(BORN 1831, DIED 1881.)

ON THE REACTION AGAINST RECONSTRUCTION; HOUSE OF REPRESENTATIVES, MARCH 29, 1879.

MR. CHAIRMAN:

I have no hope of being able to convey to the members of this House my own conviction of the very great gravity and solemnity of the crisis which this decision of the Chair and of the Committee of the Whole has brought upon this country. I wish I could be proved a false prophet in reference to the result of this action. I wish I could be overwhelmed with the proof that I am utterly mistaken in my views. But no view I have ever taken has entered more deeply and more seriously into my convictions than this: that this House has resolved to-day to enter upon a revolution against the Constitution and Government of the United States. I do not know that the intention exists in the minds of half the Representatives who occupy

the other side of this Hall. I hope it does not. I am ready to believe it does not exist to any large extent. But I mean to say the consequences of the programme just adopted, if persisted in, is nothing less than the total subversion of this government.

Let me in the outset state, as carefully as I may, the precise situation. At the last session all our ordinary legislative work was done, in accordance with the usages of the House and the Senate, except as to two bills. Two of the twelve great appropriation bills for the support of the government were agreed to in both Houses as to every matter of detail concerning the appropriations proper. We were assured by the Committees of Conference in both bodies that there would be no difficulty in adjusting all differences in reference to the amount of money to be appropriated and the objects of its appropriation. But the House of Representatives proposed three measures of distinctly independent legislation; one upon the army appropriation bill, and two upon the legislative appropriation bill. The three grouped together are briefly these: first, the substantial modification of certain sections of the law relating to the use of the army; second, the repeal of the

jurors' test oath; and third, the repeal of the laws regulating elections of members of Congress.

These three propositions of legislation were insisted upon by the House, but the Senate refused to adopt them. So far it was an ordinary proceeding, one which occurs frequently in all legislative bodies. The Senate said to us through their conferees: "We are ready to pass the appropriation bills, but we are unwilling to pass as riders the three legislative measures you ask us to pass." Thereupon the House said, through its Conference Committee —and, in order that I may do exact justice, I read from the speech of the distinguished Senator from Kentucky [Mr. Beck] on the report of the Conference Committee:

> The Democratic conferees on the part of the House seem determined that unless those rights were secured to the people [alluding to the three points I have named] in the bill sent to the Senate, they would refuse, under their constitutional right, to make appropriations to carry on the government, if the dominant majority in the Senate insisted upon the maintenance of these laws and *refused to consent* to their repeal.

Then, after stating that if the position they had taken compelled an extra session, and that the new Congress would offer the repealing

bills separately, and forecasting what would happen when the new House should be under no necessity of coercing the Senate, he declared that:

> If, however, the President of the United States, in the exercise of the power vested in him, should see fit to veto the bills thus presented to him, * * * then I have no doubt those same amendments will be again made part of the appropriation bills, and it will be for the President to determine whether he will block the wheels of government and refuse to accept necessary appropriations rather than allow the Representatives of the people to repeal odious laws which they regard as subversive of their rights and privileges. * * * Whether that course is right or wrong it will be adopted, and I have no doubt adhered to, no matter what happens with the appropriation bills.

That was the proposition made by the Democracy in Congress at the close of the Congress now dead.

Another distinguished Senator (Mr. Thurman)—and I may properly refer to Senators of a Congress not now in existence,—reviewing the situation, declared in still more succinct terms:

> We claim the right, which the House of Commons in England established after two centuries of contest, to say that we will not grant the money of the people unless there is a redress of grievances.

These propositions were repeated with various degrees of vehemence by the majority in the House.

The majority in the Senate and the minority on this floor expressed the deepest anxiety to avoid an extra session and to avert the catastrophe thus threatened—the stoppage of the government. They pointed out the danger to the country and its business interests of an extra session of Congress, and expressed their willingness to consent to any compromise consistent with their views of duty which should be offered—not in the way of coercion, but in the way of fair adjustment,—and asked to be met in a spirit of just accommodation on the other side. Unfortunately no spirit of adjustment was manifested in reply to their advances. And now the new Congress is assembled; and after ten days of caucus deliberation, the House of Representatives has resolved substantially to reaffirm the positions of its predecessors, except that the suggestion of Senator Beck to offer the independent legislation in a separate bill has been abandoned. By a construction of the rules of the House, far more violent than any heretofore given, a part of this independent legislation is placed on the pending bill for the support of the army; and this House has determined to begin its career by the extremest form of coercive legislation.

In my remarks to-day I shall confine myself almost exclusively to the one phase of the controversy presented in this bill.

Mr. Chairman, viewed from the standpoint of a foreigner, our government may be said to be the feeblest on earth. From our standpoint, and with our experience, it is the mightiest. But why would a foreigner call it the feeblest? He can point out a half dozen ways in which it can be destroyed without violence. Of course, all governments may be overturned by the sword; but there are several ways in which our government may be annihilated without the firing of a gun.

For example, if the people of the United States should say we will elect no Representatives to the House of Representatives. Of course, this is a violent supposition; but suppose that they do not, is there any remedy? Does our Constitution provide any remedy whatever? In two years there would be no House of Representatives; of course no support of the government, and no government. Suppose, again, the States should say, through their Legislatures, we will elect no Senators. Such abstention alone would absolutely destroy this government; and our system pro-

vides no process of compulsion to prevent it.

Again, suppose the two Houses were assembled in their usual order, and a majority of one in this body or in the Senate should firmly band themselves together and say, we will vote to adjourn the moment the hour of meeting arrives, and continue so to vote at every session during our two years of existence; the government would perish, and there is no provision of the Constitution to prevent it. Or again, if a majority of one of either body should declare that they would vote down, and did vote down, every bill to support the government by appropriations, can you find in the whole range of our judicial or our executive authority any remedy whatever? A Senator or a member of this House is free, and may vote "no" on every proposition. Nothing but his oath and his honor restrains him. Not so with executive and judicial officers. They have no power to destroy this government. Let them travel an inch beyond the line of the law, and they fall within the power of impeachment. But, against the people who create Representatives; against the Legislatures who create Senators; against Senators and Representatives in these Halls, there is no power of impeachment; there is no

remedy, if, by abstention or by adverse votes, they refuse to support the government.

At a first view, it would seem strange that a body of men so wise as our fathers were should have left a whole side of their fabric open to these deadly assaults; but on a closer view of the case their wisdom will appear. What was their reliance? This: the sovereign of this nation, the God-crowned and Heaven-anointed sovereign, in whom resides "the State's collected will," and to whom we all owe allegiance, is the people themselves. Inspired by a love of country and a deep sense of obligation to perform every public duty; being themselves the creators of all the agencies and forces to execute their own will, and choosing from themselves their Representatives to express that will in the forms of law, it would have been like a suggestion of suicide to assume that any of these great voluntary powers would be turned against the life of the government. Public opinion—that great ocean of thought from whose level all heights and all depths are measured—was trusted as a power amply able, and always willing, to guard all the approaches on that side of the Constitution from any assault on the life of the nation.

Up to this hour our sovereign has never failed us. There has never been such a refusal to exercise those primary functions of sovereignty as either to endanger or cripple the government; nor have the majority of the Representatives of that sovereign in either House of Congress ever before announced their purpose to use their voluntary powers for its destruction. And now, for the first time in our history, and I will add for the first time for at least two centuries in the history of any English-speaking nation, it is proposed and insisted upon that these voluntary powers shall be used for the destruction of the government. I want it distinctly understood that the proposition which I read at the beginning of my remarks, and which is the programme announced to the American people to-day, is this: that if this House cannot have its own way in certain matters, not connected with appropriations, it will so use, or refrain from using, its voluntary powers as to destroy the government.

Now, Mr. Chairman, it has been said on the other side that when a demand for the redress of grievances is made, the authority that runs the risk of stopping and destroying the government is the one that resists the redress. Not

so. If gentlemen will do me the honor to follow my thought for a moment more I trust I will make this denial good.

Our theory of law is free consent. That is the granite foundation of our whole superstructure. Nothing in this republic can be law without consent—the free consent of the House; the free consent of the Senate; the free consent of the Executive, or, if he refuse it, the free consent of two thirds of these bodies. Will any man deny that? Will any man challenge a line of the statement that free consent is the foundation rock of all our institutions? And yet the programme announced two weeks ago was that if the Senate refused to consent to the demand of the House the government should stop. And the proposition was then, and the programme is now, that, although there is not a Senate to be coerced, there is still a third independent branch in the legislative power of the government whose consent is to be coerced at the peril of the destruction of this government; that is, if the President, in the discharge of his duty, shall exercise his plain constitutional right to refuse his consent to this proposed legislation, the Congress will so use its voluntary powers as to

destroy the government. This is the proposition which we confront; and we denounce it as revolution.

It makes no difference, Mr. Chairman, what the issue is. If it were the simplest and most inoffensive proposition in the world, yet if you demand, as a matter of coercion, that it shall be adopted against the free consent prescribed in the Constitution, every fair-minded man in America is bound to resist you as much as though his own life depended upon his resistance.

Let it be understood that I am not arguing the merits of any one of the three amendments. I am discussing the proposed method of legislation; and I declare that it is against the Constitution of our country. It is revolutionary to the core, and it is destructive of the fundamental element of American liberty, the free consent of all the powers that unite to make laws.

In opening this debate I challenge all comers to show a single instance in our history where this consent has been coerced. This is the great, the paramount issue, which dwarfs all others into insignificance. * * *

But I am compelled by the necessities of the

case to refer to a chapter of our recent history. The last act of Democratic domination in this Capitol, eighteen years ago, was striking and dramatic, perhaps heroic. Then the Democratic party said to the Republicans: "If you elect the man of your choice as President of the United States we will shoot your government to death"; and the people of this country, refusing to be coerced by threats of violence, voted as they pleased, and lawfully elected Abraham Lincoln as President of the United States.

Then your leaders, though holding a majority in the other branch of Congress, were heroic enough to withdraw from their seats and fling down the gage of mortal combat. We called it rebellion; but we recognized it as courageous and manly to avow your purpose, take all the risks, and fight it out in the open field. Notwithstanding your utmost efforts to destroy it, the government was saved. Year by year since the war ended those who resisted you have come to believe that you have fully renounced your purpose to destroy and are willing to maintain the government. In that belief you have been permitted to return to power in the two Houses.

To-day, after eighteen years of defeat, the

book of your domination is again opened, and your first act awakens every unhappy memory and threatens to destroy the confidence which your professions of patriotism inspired. You turned down a leaf of history that recorded your last act of power in 1861, and you have now signalized your return to power by beginning a second chapter at the same page; not this time by an heroic act that declares war on the battle-field, but you say if all the legislative powers of the government do not consent to let you tear certain laws out of the statute-book you will not shoot our government to death as you tried to do in the first chapter, but you declare that if we do not consent against our will, if you cannot coerce an independent branch of this government, against its will, to allow you to tear from the statute-books some laws put there by the will of the people, you will starve the government to death.

Between death on the field and death by starvation, I do not know that the American people will see any great difference. The end, if successfully reached, would be death in either case. Gentlemen, you have it in your power to kill this government; you have it in your power, by withholding these two bills, to smite

the nerve-centres of our Constitution with the paralysis of death, and you have declared your purpose to do this, if you cannot break down that fundamental element of free consent which up to this hour has always ruled in the legislation of this government. * * *

Gentlemen, we have calmly surveyed this new field of conflict; we have tried to count the cost of the struggle, as we did that of 1861 before we took up your gage of battle. Though no human foresight could forecast the awful loss of blood and treasure, yet in the name of liberty and union we accepted the issue and fought it out to the end. We made the appeal to our august sovereign, to the omnipotent public opinion of America, to determine whether the Union should perish at your hands. You know the result. And now lawfully, in the exercise of our right as Representatives, we take up the gage you have this day thrown down, and appeal again to our common sovereign to determine whether you shall be permitted to destroy the principle of free consent in legislation under the threat of starving the government to death.

We are ready to pass these bills for the support of the Government at any hour when you

will offer them in the ordinary way, by the methods prescribed in the Constitution. If you offer those propositions of legislation as separate measures we will meet you in the fraternal spirit of fair debate and will discuss their merits. Some of your measures many of us will vote for in separate bills. But you shall not coerce any independent branch of this government, even by the threat of starvation, to consent to surrender its voluntary powers until the question has been appealed to the sovereign and decided in your favor. On this ground we plant ourselves, and here will stand to the end. * * *

JOSEPH C. S. BLACKBURN,

OF KENTUCKY.

(BORN 1838.)

REPLY TO MR. GARFIELD; HOUSE OF REPRESENTATIVES, APRIL 3, 1879.

MR. CHAIRMAN:

I do not intend, sir, to be personal in any thing that I may say. There has come from different members of the other side of the House during this debate that which, in my judgment, requires and merits notice, and I shall go back, before I shall have finished, several days to reply as best I may to the points that have been made by the distinguished gentleman from Ohio (Mr. Garfield). * * *

It is charged, sir, not that the amendment under consideration involves of itself an unconstitutional piece of legislation, but it is urged by various distinguished members on this floor that it is revolutionary in its character; that it has no proper place on an appropriation bill;

that it is out of line, and deserves the condemnation of the House because it is an exotic in this connection and should have been considered as an independent bill. It is charged, further, that the tendency and operation of it will be to restrict the power of the Presidency as Comander-in-Chief of the Army of the United States.

Now, Mr. Chairman, he is but a poor student of this country's history who is not able to satisfy himself that from the very formation of the Federal Constitution down to the present time it has ever been held, and that by the highest authorities of the land, and never successfully denied, that it was a power not only of the American Congress, but a power of this House, to control the employment of the army by a withholding of supplies.

The debates upon the formation of the Federal Constitution which lie before me show that the brightest intellects assembled in that convention asserted this doctrine in its broadest term, and no man dared gainsay it. It is one of those features of English liberty that have come down to us by adoption.

It was so stated in the debates upon the formation of this instrument, as given to us, that

it is ever and always in the power of the House of Representatives, by copying the example of the House of Commons of England in withholding supplies, to control absolutely the employment and conduct of the army. You may follow that theory down at short intervals, and in 1819, when an army appropriation bill was considered and passed in this Chamber, and it was proposed to restrict the power of the President by specifying the purpose to which the appropriations should be applied, the very same argument was made against it then that our friends on the other side hurl against us now.

It was upon that occasion that Mr. Mercer, one of the brightest among the law-makers of the government of his day, asserted upon this floor, without encountering contradiction, that it was in the power of the House of Representatives to withhold supplies altogether for the maintenance of the army, if, indeed, that should become necessary to control its operation. It was then that one whose patriotism has never been questioned, though it has survived through the greater portion of a fading century only to grow brighter as the ages go by,—it was then that not only Kentucky's but America's great commoner, Mr. Clay, declared in his burning

words of eloquence, uttered where we now sit, that he was ready to make the issue with the Executive and offer him a bill with the objectionable features incorporated in it, and to say to the Executive: "Sign or refuse to sign it; but if you do refuse to sign it, declaring that we have not the power to pass it, then my answer to you shall be, neither has the Executive the power that you arrogate to yourself." And you may come down from then till now, and never in the history of this government has it been denied that the Constitution itself, which gives to Congress the right to pass these money bills to provide means for the support and maintenance of a military establishment, carries with it the resultant right on the part of Congress to withhold these appropriations when, in its judgment, it is necessary to prevent abuses in the employment of the military.

In the very nature of things this proposed amendment of the law cannot be revolutionary. It is a repealing statute; its only purpose and object is to repeal an existing law. I will not pause now to tell how or under what circumstances it was passed; I will not now pause to delineate the motives which, in a great measure, because of the prevalence of natural pas-

sions, inspired, if they did not excuse, the passage of this law. But in the very nature of things this amendment cannot be revolutionary. Negative legislation is never revolutionary. This is not affirmative legislation, twist the issue as the gentleman from New Jersey (Mr. Robeson) may seek to do. Buckle, the most philosophic of all historians, either ancient or modern, has told us that the statesman and the law-maker seldom, if ever, render a benefit to mankind by the enactment of affirmative laws; that it is rather by the repealing of obnoxious and vicious enactments that they entitle themselves to the gratitude of humanity. * * *

But it is said that it is not in its proper place when ingrafted upon an appropriation bill.

Is there a gentleman in this Chamber who will dare deny or take issue upon the assertion —and I make it measuring the full import of my words after a careful examination of the statutes—that more than one third of the permanent legislation affecting or relating to the army of this government, as it stands upon the statute-books of your country to-day, has been put there as riders upon army appropriation bills?

I do not care to trench upon the patience of

this committee by any elaborate review of the countless instances which that side of the House has furnished us in the shape of precedents for the action that we take. Sir, if lectures upon revolution are to be read to us, let them come from some quarter and from some member who is not himself convicted on the record. * * *

The gentleman from Ohio, in that effective and able speech to which he treated this House a few days ago, used the following language, which I read from the *Record:*

> In opening this debate, I challenge all comers to show a single instance in our history where this consent has been coerced.
>
> What consent? The consent of the Executive by extraneous matter injected into appropriation bills.

This is the great, the paramount issue, which dwarfs all others into insignificance.

I accept the gage of battle that the gentleman throws down. I read from the records and show him the instance he seeks. I find that on the second day of March, 1867, a thing occurred in this House of which the gentleman should have been cognizant, for he was then as now an honored member on this floor. I find the following message was sent by the Presi-

dent of the United States to the House of Representatives :

To the House of Representatives :

The act entitled "An act making appropriations for the support of the army—

Ah, by a singular coincidence that too was an army bill, just as this is—

The act entitled "An act making appropriations for the support of the army for the year ending June 30, 1868, and for other purposes," contains provisions to which I must call attention. Those provisions are contained in the second section, which in certain cases virtually deprives the President of his constitutional functions as Commander-in-Chief of the Army, and in the sixth section, which denies to ten States of this Union their constitutional right to protect themselves in any emergency by means of their own militia. These provisions are out of place in an appropriation act.—

Did the gentleman from Ohio borrow his recently used protest from this official protest of the Executive of this country ?—

These provisions are out of place in an appropriation act. I am compelled to defeat these necessary appropriations if I withhold my signature to the act. Pressed by these considerations—

I grant you he does not say "coerced"—

Pressed by these considerations, I feel constrained to return the bill with my signature, but to accompany it with my protest against the sections which I have indicated.

ANDREW JOHNSON.

March 2, 1867.

Is there no coercion there? Why, sir, the record is full. In an act making appropriations for the sundry civil expenses of this government for the year ending June 30, 1865, it was provided that in the courts of the United States there should be no exclusion of any witness on account of color, or in any other civil action because he is a party interested in the issue to be tried. Is not that extraneous matter? Yet upon this bill the record shows that the gentleman from Ohio is found voting in the list of ayes. * * *

But, sir, I am not through with the speech which the gentleman has made. He tells us:

> The proposition now is, that after fourteen years have passed, and not one petition from one American citizen has come to us asking that this law be repealed; while not one memorial has found its way to our desks complaining of the law, so far as I have heard, the Democratic House of Representatives now holds that if they are not permitted to force upon another House and upon the Executive against their consent the repeal of a law that Democrats made, this refusal shall be considered a sufficient ground for starving this government to death. That is the proposition which we denounce as revolution.

And that was received with applause on the Republican side. Does the gentleman from Ohio mean to stand upon that declaration? By

that significant nod he says that he does. Does he not know that the Congress just expired bore upon its files petition, memorial after memorial, in contested election-cases, sent by the House to its committee, protesting against the presence of the military at the polls, and denouncing the usurpation, demanding its repeal, in order that a free ballot might be had. Does the gentleman fail to remember that the State of Louisiana, a sovereign State of this confederacy once more, thank God, sent her memorial to these Halls, in which in thunder tones she uttered her anathemas against the very practice which this amendment seeks to correct? * * *

There is but one issue here, and I insist that neither this House nor the people of this country shall be allowed to wander from it. It is but this, and nothing more: whether the military power shall be allowed at your polls; whether the elections shall be guarded by the mailed hand of military power; whether the ballot-box, that last and safest shield of the freeman's liberties, shall be turned over to the tender mercies of the armies of your land. Or to state it yet more tersely and probably more fairly, it is simply whether the spirit and the

genius of this government shall be reversed, and whether the civil shall be made subordinate to the military power. * * *

It is this question, and it is none other, that I insist shall be kept before this House. We are declaring that the ballot shall be free. We are denying that it is either constitutional, legal, just, fair, or decent, to subject the sovereign to the surveillance of the soldier.

Now, upon that issue the gentleman from Ohio and his associates tell us that they stand committed. I answer so do we.

We are willing to discuss it, and for my part I shall oppose any limitation being put upon this debate. If we cannot stand upon an issue so broad, so constitutional, so catholic, so fair, so free as this, then tell me in Heaven's name where are there battlements strong enough for us to get behind? Let it go to the country that one party asserts that the manacles shall fall from the limbs of the citizen, and that the army shall not hold its mailed hand at the throat of the sovereign, and that the other party refuses to release the throttling grasp, and declares that it will block the wheels of government and bring it to starvation.

I am willing, and those with whom I stand

are willing, to accept this issue, and we go further, we tender it. We are the ones to make the issue and we are ready for you to accept it. Planting ourselves upon this broad ground, we welcome controversy. We seek no quarrel with you, but for the first time in eighteen years past the Democracy is back in power in both branches of this Legislature, and she proposes to signalize her return to power, she proposes to celebrate her recovery of her long-lost heritage, by tearing off these degrading badges of servitude and destroying the machinery of a corrupt and partisan legislation.

We do not intend to stop until we have stricken the last vestige of your war measures from the statute-book, which, like these, were born of the passions incident to civil strife, and looked to the abridgment of the liberty of the citizen.

We demand an untrammelled election; no supervising of the ballot by the army. Free, absolutely free right to the citizen in the deposit of his ballot as a condition-precedent to the passage of your bills. * * *

Standing upon such grounds, we intend to deny to the President of this republic the right to exercise such constitutional power. We do

not mean to pitch this contest upon ground of objection to him who happens, if not by the grace of God yet by the run of luck, to be administering that office. I tell you here that if from that canvas [pointing to the picture of Washington] the first President of this republic should step down and resume those powers that the grateful people of an infant republic conferred on him as their first Chief Magistrate,—if he were here, fired by that patriotic ardor that moved him in the earlier and better days of this republic, to him we would never consent to yield such dangerous and unwarranted powers, to rest the liberties of the citizen upon any one man's discretion, nor would he receive it.

It was not for the earlier but for the later Executives of this government to grasp and seek to retain such questionable prerogatives. You cannot have it. The issue is made—it is made upon principle, not upon policy. It cannot be abandoned ; it will not be surrendered. Standing upon such ground, clothed in such a panoply, resting this case upon the broadest principles of eternal justice, we are content to appeal to the people in this land. There is no tribunal to which we are not willing to carry this case of contest ; and we are willing to allow Him who

rules the destinies of men to judge between us and give the victory to the right.

I do not mean to issue a threat. Unlike the gentleman from Ohio I disclaim any authority to threaten. But I do mean to say that it is my deliberate conviction that there is not to be found in this majority a single man who will ever consent to abandon one jot or tittle of the faith that is in him. He cannot surrender if he would. I beg you to believe he will not be coerced by threats nor intimidated by parade of power. He must stand upon his conviction, and there we will all stand. He who dallies is a dastard, and he who doubts is damned.

ATTICUS G. HAYGOOD,

OF GEORGIA.

(BORN 1839.)

THANKSGIVING SERMON, THE NEW SOUTH ; EMORY COLLEGE, OXFORD, GA., NOVEMBER 25, 1880.

I MAY possibly, but I trust not, speak of some things that you may not relish, and advance some views that you may not approve. If so, I only ask a fair and reasonable reflection upon them. If you should condemn them, I have left me at least the satisfaction of being quite sure that I am right, and that, if you live long enough, you will agree with me. And first, we of the South have great reason to be thankful to God that we are in all respects so well off ; and that, too, so soon after so great a war, so complete an overturning of our institutions, so entire an overthrow of our industries, so absolute a defeat of our most cherished plans. Recall briefly the last twenty years. Think of what we were in 1860 and in 1865. Then look

about you and see what we are in 1880. What was thought by our people after Appomattox and April, 1865, as to the prospect before us? Some of you can recall the forebodings of that time as to the return of business prosperity, the restoration and preservation of civil and social order among ourselves, and the restoration of our relations to the Union. You know how many of our best and bravest left our section forever in sheer despair. Behold, now, what wonders have been wrought in fifteen years.

I.—Considering where and what we were fifteen years ago, considering the financial convulsions and panics that have swept over our country during that time, I might say that have disturbed the civilized world, our industrial and financial condition is marvellously good. It is not true, as certain croakers and "Bourbons," floated from their moorings by the rising tide of new and better ideas, are so fond of saying, that the South is getting poorer every day. These croakings are not only unseemly, they are false in their statements, as they are ungrateful in their sentiment. A right study of our tax returns will show that there is life and progress in the South. But

statistical tables are not the only witnesses in such a case. Let people use their own eyes. Here is this one fact—the cotton crop, as an exponent of the power of industrial system. In 1879 we made nearly five million bales; in 1880 it is believed that we will make nearly six million bales. We never made so much under the old system. It is nonsense to talk of a country as ruined that can do such things. There are more people at work in the South to-day than were ever at work before; and they are raising not only more cotton, but more of every thing else. And no wonder, for the farming of to-day is better than the farming of the old days, and in two grand particulars: first, better culture; and second, the ever-increasing tendency to break up the great plantations into small farms. Our present system is more than restoring what the old system destroyed.

The great body of our people not only make more than they did before the war, but they make a better use of it—they get unspeakably more comfort out of it. I am willing to make the comparison on any line of things that you may suggest, for I know both periods. Remember that I am speaking of the great mass of the people, and not of the few great slave-

holders, some of whom lived like princes, not forgetting, meantime, that the majority of our people never owned slaves at all.

For one illustration, take, if you please, the home life of our people. There is ten times the comfort there was twenty years ago. Travel through your own county—and it is rather below than above the average—by any public or private road. Compare the old and the new houses. The houses built recently are better every way than those built before the war. I do not speak of an occasional mansion, that in the old times lifted itself proudly among a score of cabins, but of the thousands of decent farm-houses, comely cottages, that have been built in the last ten years. I know scores whose new barns are better than their old residences. Our people have better furniture. Good mattresses have largely driven out the old time feathers. Cook stoves, sewing-machines, with all such comforts and conveniences, may be seen in a dozen homes to-day where you could hardly have found them in one in 1860. Lamps that make reading agreeable have driven out tallow dips, by whose glimmering no eyes could long read and continue to see. Better taste asserts itself; the new houses are

painted; they have not only glass, but blinds. There is more comfort inside. There are luxuries where once there were not conveniences. Carpets are getting to be common among the middle classes. There are parlor organs, pianos, and pictures, where we never saw them before. And so on, to the end of a long chapter.

Test the question of our better condition by the receipts of benevolent institutions, the support of the ministry, the building improvement, and furnishing of churches, and we have the same answer. Our people are better off now than in 1860. In reply to all this, some will say: "But it costs more to live than in 1860." I answer: "True enough; but there is more to live for."

II.—The social and civil order existing in the Southern States is itself wonderful, and an occasion for profound gratitude. For any wrongs that have been done in our section, for any acts of violence on any pretext, for any disobedience to law, I have not one word of defence. Admitting, for argument's sake, all that the bitterest of our censors have ever said on these subjects, I still say that, considering what were the conditions of life in the Southern States

after April, 1865, the civil and social order that exists in the South is wonderful. Our critics and censors forget, we must believe, the history of other countries. They have never comprehended the problem we had given us to work out after the surrender; only those who have lived through that period can ever understand it. Why, has not this whole Southern country repeated the scenes of Hayti and San Domingo? Not the repressive power of a strong government only; not the fear of the stronger race only; not that suggestions have been lacking from fierce and narrow fanatics; but chiefly in this—the conservative power of the Protestant religion, which had taken such deep root in the hearts and lives of our people. The controlling sentiment of the Southern people, in city and hamlet, in camp and field, among the white and black, has been religious.

III.—The restoration of our relations to the general government should excite our gratitude. Possibly some do not go with me here. Then I must go without them, but I shall not lack for company, and as the years pass it will be an ever-increasing throng. We must distinguish between a party we have for the most part antagonized, and the government it has so

long controlled. Whatever may be the faults of the party in power, or of the party out of power, this is, nevertheless, so far as I know, altogether the most satisfactory and desirable government in the world, and I am thankful to God, the disposer of the affairs of nations and of men, that our States are again in relations with the general government.

Should we be surprised or discouraged because our section does not control the government? History, if not reason, should teach us better. Is there a parallel to our history since 1860—war bitter, continued, and destructive, defeat utter and overwhelming, and all followed so soon by so great political influence and consideration as we now enjoy? When did a defeated and conquered minority ever before in the short space of fifteen years regain such power and influence in any age or nation? And this is the more wonderful when we consider the immeasurable capacity for blundering which the leaders of the dominant party in our section have manifested during those years of political conflict. And it is the more wonderful still when we consider how ready the dominant party of the other section has been to receive, as the expression of the fixed though secret sen-

timent of the mass of the Southern people, the wild utterances of a few extreme impracticables, who have never forgotten and have never learned. I tell you to-day that the sober-minded people who had read history did not in 1865 expect that our relations with the general government would be by 1880 as good as they are. But they would have been better than they are if the real sentiment of the masses on both sides could have gotten itself fairly expressed; for these masses wish to be friends, and before very long they will sweep from their way those who seek to hinder them. My congregation, looked at on all sides and measured by any tests, it is one of the wonders of history that our people have, in so short a time—fifteen years is a very short time in the history of a nation,—so far overcome the evil effects of one of the most bloody and desolating and exasperating wars ever waged in this world. And the facts speak worlds for our Constitution, for our form of government, and above all for our Protestant religion—a religion which will yet show itself to be the best healer of national wounds and the best reconciler of estranged brethren.

IV.—There is one great historic fact which

should, in my sober judgment, above all other things, excite everywhere in the South profound gratitude to Almighty God. I mean the abolition of African slavery.

If I speak only for myself, and I am persuaded that I do not, then be it so. But I, for one, thank God that there is no longer slavery in these United States. I am persuaded that I only say what the vast majority of our people feel and believe. I do not forget the better characteristics of African slavery as it existed among us for so long a time under the sanction of national law and under the protection of the Constitution of the United States; I do not forget that its worst features were often cruelly exaggerated, and that its best were unfairly minified; more than all, I do not forget that, in the providence of God, a work that is without a parallel in history was done on the Southern plantations,—a work that was begun by such men as Bishop Capers of South Carolina, Lovick Pierce and Bishop Andrew of Georgia, and by men like-minded with them,—a work whose expenses were met by the slave-holders themselves,—a work that resulted in the Christianizing of a full half million of the African people, who became communicants of our churches, and

of nearly the whole four or five millions who were brought largely under the all-pervasive and redeeming influence of our holy religion.

I have nothing to say at this time of the particular "war measure" that brought about their immediate and unconditioned enfranchisement, only that it is history, and that it is done for once and for all. I am not called on, in order to justify my position, to approve the political unwisdom of suddenly placing the ballot in the hands of nearly a million of unqualified men—only that, since it is done, this also is history, that we of the South should accept, and that our fellow-citizens of the North should never disturb it. But all these things, bad as they may have been, and unfortunate as they may yet be, are only incidental to the one great historic fact, that slavery exists no more. For this fact I devoutly thank God this day. And on many accounts:

1. For the negroes themselves. While they have suffered and will suffer many things in their struggle for existence, I do nevertheless believe that in the long run it is best for them. How soon they shall realize the possibilities of their new relations depends largely, perhaps most, on themselves. Much depends on those

who, under God, set them free. By every token this whole nation should undertake the problem of their education. That problem will have to be worked out on the basis of co-operation; that is, they must be helped to help themselves. To make their education an absolute gratuity will perpetuate many of the misconceptions and weaknesses of character which now embarrass and hinder their progress. Much also depends on the Southern white people, their sympathy, their justice, their wise and helpful co-operation. This we should give them, not reluctantly, but gladly, for their good and for the safety of all, for their elevation and for the glory of God. How we may do this may be matter for discussion hereafter.

2. I am grateful that slavery no longer exists, because it is better for the white people of the South. It is better for our industries and our business, as proved by the crops that free labor makes. But by eminence it is better for our social and ethical development. We will now begin to take our right place among both the conservative and aggressive forces of the civilized and Christian world.

3. I am grateful because it is unspeakably better for our children and our children's chil-

dren. It is better for them in a thousand ways. I have not time for discussion in detail now. But this, if nothing else, proves the truth of my position: there are more white children at work in the South to-day than ever before. And this goes far to account for the six million bales of cotton. Our children are growing up to believe that idleness is vagabondage. One other thing I wish to say before leaving this point. We hear much about the disadvantages to our children of leaving them among several millions of freedmen. I recognize them, and feel them; but I would rather leave my children among several millions of free negroes than among several millions of negroes in slavery.

But, leaving out of view at this time all discussion of the various benefits that may come through the enfranchisement of the negroes, I am thankful on the broad and unqualified ground that there is now no slavery in all our land.

Does any one say to me this day: "You have got new light; you have changed the opinions you entertained twenty years ago." I answer humbly, but gratefully, and without qualification: "I have got new light. I do now believe many things that I did not believe

twenty years ago. Moreover, if it please God to spare me in this world twenty years longer, I hope to have, on many difficult problems, more new light. I expect, if I see the dawn of 1900, to believe some things that I now reject, and to reject some things that I now believe. And I shall not be alone." * * *

My friends, my neighbors, and my pupils, I declare to you my hope that, in twenty years from now, the words "the South" shall have only a geographical significance. * * * I have spoken what I solemnly believe to be the truth. Moreover, the time has fully come when these truths should be spoken by somebody; and I try to do my part, persuaded that before many years there will happily be no longer any occasion or need for them to be spoken. There is no reason why the South should be despondent. Let us cultivate industry and economy, observe law and order, practise virtue and justice, walk in truth and righteousness, and press on with strong hearts and good hopes. The true golden day of the South is yet to dawn. But the light is breaking, and presently the shadows will flee away. Its fulness of splendor I may never see; but my children will see it, and I wish them to get ready for it while they may.

VIII.

FREE TRADE AND PROTECTION.

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THE periods into which this series has been divided will furnish, perhaps, some key to the brief summary of tariff discussion in the United States which follows. For it is not at all true that tariff discussion or decision has been isolated; on the contrary, it has influenced, and been influenced by, every other phase of the national development of the country.

Bancroft has laid none too great stress on the influence of the English mercantile system in forcing the American Revolution, and on the attitude of the Revolution as an organized revolt against the English system. One of the first steps by which the Continental Congress asserted its claim to independent national action was the throwing open of American ports to the commerce of all nations—that is, to free

trade. It should, however, be added that the extreme breadth of this liberality was due to the inability of Congress to impose any duties on imports; it had a choice only between absolute prohibition and absolute free trade, and it chose the latter. The States were not so limited. Both under the revolutionary Congress and under the Confederation they retained the entire duty power, and they showed no fondness for free trade. Commerce in general was light, and tariff receipts, even in the commercial States, were of no great importance; but, wherever it was possible, commercial regulations were framed in disregard of the free-trade principle. In order to retain the trade in firewood and vegetables within her own borders, New York, in 1787, even laid prohibitory duties on Connecticut and New Jersey boats; and retaliatory measures were begun by the two States attacked.

The Constitution gave to Congress, and forbade to the States, the power to regulate commerce. As soon as the Constitution came to

be put into operation, the manner and objects of the regulation of commerce by Congress became a public question. Many other considerations were complicated with it. It was necessary for the United States to obtain a revenue, and this could most easily be done by a tariff of duties on imports. It was necessary for the Federalist majority to consider the party interests both in the agricultural States, which would object to protective duties, and in the States which demanded them. But the highest consideration in the mind of Hamilton and the most influential leaders of the party seems to have been the maintenance of the Union. The repulsive force of the States toward one another was still sufficiently strong to be an element of constant and recognized danger to the Union. One method of overcoming it, as a part of the whole Hamiltonian policy, was to foster the growth of manufactures as an interest entirely independent of State lines and dependent on the national government, which would throw its whole influence

for the maintenance of the Union. This feeling runs through the speeches even of Madison, who prefaced his remarks by a declaration in favor of "a trade as free as the policy of nations would allow." Protection, therefore, began in the United States as an instrument of national unity, without regard to national profit; and the argument in its favor would have been quite as strong as ever to the mind of a legislator who accepted every deduction as to the economic disadvantages of protection. Arguments for its economic advantages are not wanting; but they have no such form and consistency as those of subsequent periods. The result of the discussion was the tariff act of July 4, 1789, whose preamble stated one of its objects to be "the encouragement and protection of manufactures." Its average duty, however, was but about 8.5 per cent. It was followed by other acts, each increasing the rate of general duties, until, at the outbreak of the War of 1812, the general rate was about 21 per cent. The war added about 6 per cent. to this rate.

Growth toward democracy very commonly brings a curious bias toward protection, contrasted with the fundamental free-trade argument that a protective system and a system of slave labor have identical bases. The bias toward a pronounced protective system in the United States makes its appearance with the rise of democracy; and, after the War of 1812, is complicated with party interests. New England was still the citadel of Federalism. The war and its blockade had fostered manufactures in New England; and the manufacturing interest, looking to the Democratic party for protection, was a possible force to sap the foundations of the citadel. Dallas, of Pennsylvania, Secretary of the Treasury, prepared, and Calhoun carried through Congress, the tariff of 1816. It introduced several protective features, the "minimum" feature, by which the imported article was assumed to have cost at least a certain amount in calculating duties, and positive protection for cottons and woollens. The duties paid under this tariff were about 30 per

cent. on all imports, or 33 per cent. on dutiable goods. In 1824 and 1828, under the lead of Clay, tariffs were adopted which made the tariff of duties still higher and more systematically protective; they touched high-water mark in 1830, being 40 per cent. on all imports, or 48.8 per cent. on dutiable goods. The influence of nullification in forcing through the compromise tariff of 1833, with its regular decrease of duties for ten years, has been stated in the first volume.

Under the workings of the compromise tariff there was a steady decrease in the rate on all imports, but not in the rate on dutiable goods, the comparison being 22 per cent. on total to 32 per cent. on dutiable for 1833, and 16 per cent. on total to 32 per cent. on dutiable for 1841. The conjunction of the increase in non-dutiable imports and the approach of free trade, with general financial distress, gave the Whigs success in the elections of 1840; and in 1841 they set about reviving protection. Unluckily for them, their chosen President, Harrison, was

dead, and his successor, Tyler, a Democrat by nature, taken up for political reasons by the Whigs, was deaf to Whig eloquence on the subject of the tariff. After an unsuccessful effort to secure a high tariff and a distribution of the surplus among the States, the semi-protective tariff of 1842 became law. Its result for the next four years was that the rate on dutiable goods was altered very little, while the rate on total imports rose from 16 per cent. to 26 per cent. The return of the Democrats to power was marked by the passage of the revenue tariff of 1846, which lasted, with a slight further reduction of duties in 1857, until 1861. Under its operation the rates steadily decreased until, in 1861, they were 18.14 per cent. on dutiable goods, and 11.79 per cent. on total imports.

The platform of the Republican party in the election of 1856 made no declaration for or against free trade or protection. The results of the election showed that the electoral votes of Pennsylvania and Illinois would have been

sufficient to give the party a victory in 1856. Both party policy and a natural regard to its strong Whig membership dictated a return to the protective feature of the Whig policy. In March, 1860, Mr. Morrill introduced a protective tariff bill in the House of Representatives, and it passed that body; and, in June, the Republican National Convention adopted, as one of its resolutions, a declaration in favor of a protective system. The Democratic Senate postponed the Morrill bill until the following session. When it came up again for consideration, in February, 1861, conditions had changed very considerably. Seven States had seceded, taking off fourteen Senators opposed to the bill; and it was passed. It was signed by President Buchanan, March 2, 1861, and went into operation April 1, raising the rates to about 20 per cent. In August and in December, two other acts were passed, raising the rates still higher. These were followed by other increases, which ran the maximum up, in 1868, to 48 per cent. on dutiable goods, the highest rate

from 1860 to date. It may be noted, however, that the rate of 1830—48.8 per cent. on dutiable goods—still retains its rank as the highest in our history.

The controlling necessity for ready money, to prevent the over-issue of bonds and greenbacks, undoubtedly gained votes in Congress sufficient to sustain the policy of protection, as a means of putting the capital of the country into positions where it could be easily reached by internal-revenue taxation. This conjunction of internal revenue and protection proved a mutual support until the payment of the war debt had gone so far as to provoke the reaction. The Democratic National Convention of 1876 attacked the tariff system as a masterpiece of iniquity, but no distinct issue was made between the parties on this question. In 1880 and 1884, the Republican party was the one to force the issue of protection or free trade upon its opponent, but its opponent evaded it.

In 1884, both parties admit the necessity of a reduction in the rates of duties, if for no other

reason, in order to reduce the surplus of Government receipts over expenditures, which is a constant stimulus to congressional extravagance. The Republican policy is in general to retain the principle of protection in the reduction; while the Democratic policy, so far as it is defined, is to deal as tenderly as possible with interests which have become vested under a protective system. What influence will be exerted by the present over-production and depression in business cannot, of course, be foretold; but the report of Mr. McCulloch, Secretary of the Treasury, in December, 1884, indicates an attempt to induce manufacturers to submit to an abandonment of protection, as a means of securing a decrease in cost of production, and a consequent foreign market for surplus product.

In taking Clay's speech in 1832 as the representative statement of the argument for protection, the editor has consulted Professor Thompson, of the University of Pennsylvania, and has been guided by his advice. On the

other side, the statement of Representative Hurd, in 1881, has been taken as, on the whole, the best summary of the free-trade argument. In both cases, the difficulty has been in the necessary exclusion of merely written arguments.

HENRY CLAY,

OF KENTUCKY.

(BORN 1777, DIED 1852.)

ON THE AMERICAN SYSTEM; IN THE UNITED STATES SENATE, FEBRUARY 2–6, 1832.

THE question which we are now called upon to determine, is not, whether we shall establish a new and doubtful system of policy, just proposed, and for the first time presented to our consideration, but whether we shall break down and destroy a long-established system, carefully and patiently built up and sanctioned, during a series of years, again and again, by the nation and its highest and most revered authorities. And are we not bound deliberately to consider whether we can proceed to this work of destruction without a violation of the public faith? The people of the United States have justly supposed that the policy of protecting their industry against foreign legislation and foreign industry was fully settled, not by a single act,

but by repeated and deliberate acts of government, performed at distant and frequent intervals. In full confidence that the policy was firmly and unchangeably fixed, thousands upon thousands have invested their capital, purchased a vast amount of real and other estate, made permanent establishments, and accommodated their industry. Can we expose to utter and irretrievable ruin this countless multitude, without justly incurring the reproach of violating the national faith? * * *

When gentlemen have succeeded in their design of an immediate or gradual destruction of the American system, what is their substitute? Free trade! The call for free trade is as unavailing, as the cry of a spoiled child in its nurse's arms, for the moon, or the stars that glitter in the firmament of heaven. It never has existed, it never will exist. Trade implies at least two parties. To be free, it should be fair, equal, and reciprocal. But if we throw our ports wide open to the admission of foreign productions, free of all duty, what ports of any other foreign nation shall we find open to the free admission of our surplus produce? We may break down all barriers to free trade on our part, but the work will not be complete until

foreign powers shall have removed theirs. There would be freedom on one side, and restrictions, prohibitions, and exclusions on the other. The bolts and the bars and the chains of all other nations will remain undisturbed. It is, indeed, possible, that our industry and commerce would accommodate themselves to this unequal and unjust state of things; for, such is the flexibility of our nature, that it bends itself to all circumstances. The wretched prisoner incarcerated in a jail, after a long time, becomes reconciled to his solitude, and regularly notches down the passing days of his confinement.

Gentlemen deceive themselves. It is not free trade that they are recommending to our acceptance. It is, in effect, the British colonial system that we are invited to adopt; and, if their policy prevails, it will lead substantially to the recolonization of these States, under the commercial dominion of Great Britain. * * *

I dislike this resort to authority, and especially *foreign* and *interested* authority, for the support of principles of public policy. I would greatly prefer to meet gentlemen upon the broad ground of fact, of experience, and of reason; but, since they will appeal to British names and authority, I feel myself compelled

to imitate their bad example. Allow me to quote from the speech of a member of the British Parliament, bearing the same family name with my Lord Goderich, but whether or not a relation of his, I do not know. The member alluded to was arguing against the violation of the treaty of Methuen—that treaty not less fatal to the interests of Portugal than would be the system of gentlemen to the best interests of America,—and he went on to say:

"*It was idle for us to endeavor to persuade other nations to join with us in adopting the principles of what was called 'free trade.' Other nations knew, as well as the noble lord opposite, and those who acted with him, what we meant by 'free trade' was nothing more nor less than, by means of the great advantages we enjoyed, to get a monopoly of all their markets for our manufactures, and to prevent them, one and all, from ever becoming manufacturing nations.* When the system of reciprocity and free trade had been proposed to a French ambassador, his remark was, that the plan was excellent in theory, but, to make it fair in practice, it would be necessary to defer the attempt to put it in execution for half a century, until France should be on the same footing with Great Britain, in marine, in manufactures, in capital, and the many other peculiar advantages which it now enjoyed. The policy that France acted on

was that of encouraging its *native* manufactures, and it was a *wise* policy ; because, if it were freely to admit our manufactures, it would speedily be reduced to the rank of an *agricultural nation*, and *therefore* a poor nation, as all must be that depend *exclusively* upon agriculture. America acted, too, upon the same principle with France. America legislated for futurity—legislated for an increasing population. America, too, was prospering under this system. In twenty years, America would be independent of England for manufactures altogether. * * * But since the peace, France, Germany, America, and all the other countries of the world, had proceeded upon the principle of encouraging and protecting native manufacturers." * * *

I regret, Mr. President, that one topic has, I think, unnecessarily been introduced into this, debate. I allude to the charge brought against the manufacturing system, as favoring the growth of aristocracy. If it were true, would gentlemen prefer supporting foreign accumulations of wealth by that description of industry, rather than in their own country? But is it correct? The joint-stock companies of the North, as I understand them, are nothing more than associations, sometimes of hundreds, by means of which the small earnings of many are

brought into a common stock, and the associates, obtaining corporate privileges, are enabled to prosecute, under one superintending head, their business to better advantage. Nothing can be more essentially democratic or better devised to counterpoise the influence of individual wealth. In Kentucky, almost every manufactory known to me is in the hands of enterprising and self-made men, who have acquired whatever wealth they possess by patient and diligent labor. Comparisons are odious, and but in defence would not be made by me. But is there more tendency to aristocracy in a manufactory, supporting hundreds of freemen, or in a cotton plantation, with its not less numerous slaves, sustaining perhaps only two white families—that of the master and the overseer?

I pass, with pleasure, from this disagreeable topic, to two general propositions which cover the entire ground of debate. The first is, that, under the operation of the American system, the objects which it protects and fosters are brought to the consumer at cheaper prices than they commanded prior to its introduction, or, than they would command if it did not exist. If that be true, ought not the country to be contented and satisfied with the system, unless

the second proposition, which I mean presently also to consider, is unfounded? And that is, that the tendency of the system is to sustain, and that it has upheld, the prices of all our agricultural and other produce, including cotton.

And is the fact not indisputable that all essential objects of consumption affected by the tariff are cheaper and better since the act of 1824 than they were for several years prior to that law? I appeal for its truth to common observation, and to all practical men. I appeal to the farmer of the country whether he does not purchase on better terms his iron, salt, brown sugar, cotton goods, and woollens, for his laboring people? And I ask the cotton-planter if he has not been better and more cheaply supplied with his cotton-bagging? In regard to this latter article, the gentleman from South Carolina was mistaken in supposing that I complained that, under the existing duty, the Kentucky manufacturer could not compete with the Scotch. The Kentuckian furnishes a more substantial and a cheaper article, and at a more uniform and regular price. But it was the frauds, the violations of law, of which I did complain; not smuggling, in the common sense

of that practice, which has something bold, daring, and enterprising in it, but mean, barefaced cheating, by fraudulent invoices and false denominations.

I plant myself upon this fact, of cheapness and superiority, as upon impregnable ground. Gentlemen may tax their ingenuity, and produce a thousand speculative solutions of the fact, but the fact itself will remain undisturbed. Let us look into some particulars. The total consumption of bar-iron in the United States is supposed to be about 146,000 tons, of which 112,866 tons are made within the country, and the residue imported. The number of men employed in the manufacture is estimated at 29,254, and the total number of persons subsisted by it at 146,273. The measure of protection extended to this necessary article was never fully adequate until the passage of the act of 1828; and what has been the consequence? The annual increase of quantity since that period has been in a ratio of near twenty-five per centum, and the wholesale price of bar-iron in the Northern cities was, in 1828, $105 per ton; in 1829, $100; in 1830, $90; and in 1831, from $85 to $75—constantly diminishing. We import very little English iron, and that which

we do is very inferior, and only adapted to a few purposes. In instituting a comparison between that inferior article and our superior iron, subjects entirely different are compared. They are made by different processes. The English cannot make iron of equal quality to ours at a less price than we do. They have three classes, best-best, and best, and ordinary. It is the latter which is imported. Of the whole amount imported there is only about 4,000 tons of foreign iron that pays the high duty, the residue paying only a duty of about thirty per centum, estimated on the prices of the importation of 1829. Our iron ore is superior to that of Great Britain, yielding often from sixty to eighty per centum, while theirs produces only about twenty-five. This fact is so well known that I have heard of recent exportations of iron ore to England.

It has been alleged that bar-iron, being a raw material, ought to be admitted free, or with low duties, for the sake of the manufacturers themselves. But I take this to be the true principle: that if our country is producing a raw material of prime necessity, and with reasonable protection can produce it in sufficient quantity to supply our wants, that raw material ought to

be protected, although it may be proper to protect the article also out of which it is manufactured. The tailor will ask protection for himself, but wishes it denied to the grower of wool and the manufacturer of broadcloth. The cotton-planter enjoys protection for the raw material, but does not desire it to be extended to the cotton manufacturer. The ship-builder will ask protection for navigation, but does not wish it extended to the essential articles which enter into the construction of his ship. Each in his proper vocation solicits protection, but would have it denied to all other interests which are supposed to come into collision with his.

Now, the duty of the statesman is to elevate himself above these petty conflicts; calmly to survey all the various interests, and deliberately to proportion the measures of protection to each according to its nature and the general wants of society. It is quite possible that, in the degree of protection which has been afforded to the various workers in iron, there may be some error committed, although I have lately read an argument of much ability, proving that no injustice has really been done to them. If there be, it ought to be remedied.

The next article to which I would call the attention of the Senate, is that of cotton fabrics. The success of our manufacture of coarse cottons is generally admitted. It is demonstrated by the fact that they meet the cotton fabrics of other countries in foreign markets, and maintain a successful competition with them. There has been a gradual increase of the exports of this article, which is sent to Mexico and the South American republics, to the Mediterranean, and even to Asia. * * *

I hold in my hand a statement, derived from the most authentic source, showing that the identical description of cotton cloth, which sold in 1817 at twenty-nine cents per yard, was sold in 1819 at twenty-one cents, in 1821 at nineteen and a half cents, in 1823 at seventeen cents, in 1825 at fourteen and a half cents, in 1827 at thirteen cents, in 1829 at nine cents, in 1830 at nine and a half cents, and in 1831 at from ten and a half to eleven. Such is the wonderful effect of protection, competition, and improvement in skill, combined. The year 1829 was one of some suffering to this branch of industry, probably owing to the principle of competition being pushed too far. Hence we observe a small rise of the article of the next

two years. The introduction of calico-printing into the United States, constitutes an important era in our manufacturing industry. It commenced about the year 1825, and has since made such astonishing advances, that the whole quantity now annually printed is but little short of forty millions of yards—about two thirds of our whole consumption. * * *

In respect to woollens, every gentleman's own observation and experience will enable him to judge of the great reduction of price which has taken place in most of these articles since the tariff of 1824. It would have been still greater, but for the high duty on raw material, imposed for the particular benefit of the farming interest. But, without going into particular details, I shall limit myself to inviting the attention of the Senate to a single article of general and necessary use. The protection given to flannels in 1828 was fully adequate. It has enabled the American manufacturer to obtain complete possession of the American market; and now, let us look at the effect. I have before me a statement from a highly respectable mercantile house, showing the price of four descriptions of flannels during six years. The average price of them, in 1826, was thirty-eight

and three quarter cents; in 1827, thirty-eight; in 1828 (the year of the tariff), forty-six; in 1829, thirty-six; in 1830, (notwithstanding the advance in the price of wool), thirty-two; and in 1831, thirty-two and one quarter. These facts require no comments. I have before me another statement of a practical and respectable man, well versed in the flannel manufacture in America and England, demonstrating that the cost of manufacture is precisely the same in both countries: and that, although a yard of flannel which would sell in England at fifteen cents would command here twenty-two, the difference of seven cents is the exact difference between the cost in the two countries of the six ounces of wool contained in a yard of flannel.

Brown sugar, during ten years, from 1792 to 1802, with a duty of one and a half cents per pound, averaged fourteen cents per pound. The same article, during ten years, from 1820 to 1830, with a duty of three cents, has averaged only eight cents per pound. Nails, with a duty of five cents per pound, are selling at six cents. Window-glass, eight by ten, prior to the tariff of 1824, sold at twelve or thirteen dollars per hundred feet; it now sells for three dollars and seventy-five cents. * * *

This brings me to consider what I apprehend to have been the most efficient of all the causes in the reduction of the prices of manufactured articles, and that is COMPETITION. By competition the total amount of the supply is increased, and by increase of the supply a competition in the sale ensues, and this enables the consumer to buy at lower rates. Of all human powers operating on the affairs of mankind, none is greater than that of competition. It is action and reaction. It operates between individuals of the same nation, and between different nations. It resembles the meeting of the mountain torrent, grooving, by its precipitous motion, its own channel, and ocean's tide. Unopposed, it sweeps every thing before it; but, counterpoised, the waters become calm, safe, and regular. It is like the segments of a circle or an arch: taken separately, each is nothing; but in their combination they produce efficiency, symmetry, and perfection. By the American system this vast power has been excited in America, and brought into being to act in coöperation or collision with European industry. Europe acts within itself, and with America; and America acts within itself, and with Europe. The consequence is the reduc-

tion of prices in both hemispheres. Nor is it fair to argue from the reduction of prices in Europe to her own presumed skill and labor exclusively. We affect her prices, and she affects ours. This must always be the case, at least in reference to any articles as to which there is not a total non-intercourse; and if our industry, by diminishing the demand for her supplies, should produce a diminution in the price of those supplies, it would be very unfair to ascribe that reduction to her ingenuity, instead of placing it to the credit of our own skill and *excited* industry.

Practical men understand very well this state of the case, whether they do or do not comprehend the causes which produce it. I have in my possession a letter from a respectable merchant, well known to me, in which he says, after complaining of the operation of the tariff of 1828, on the articles to which it applies, some of which he had imported, and that his purchases having been made in England before the passage of that tariff was known, it produced such an effect upon the English market that the articles could not be resold without loss, and he adds: "For it *really* appears that, when *additional* duties are laid upon an article, it then

becomes *lower* instead of *higher!*" This would not probably happen where the supply of the foreign article did not exceed the home demand, unless upon the supposition of the increased duty having *excited* or *stimulated* the measure of the home production.

The great law of *price* is determined by supply and demand. What affects either affects the price. If the supply is increased, the demand remaining the same, the price declines; if the demand is increased, the supply remaining the same, the price advances; if both supply and demand are undiminished, the price is stationary, and the price is influenced exactly in proportion to the degree of disturbance to the demand or supply. It is, therefore, a great error to suppose that an existing or new duty *necessarily* becomes a component element to its exact amount of price. If the proportions of demand and supply are varied by the duty, either in augmenting the supply or diminishing the demand, or *vice versa*, the price is affected to the extent of that variation. But the duty never becomes an integral part of the price, except in the instances where the demand and the supply remain after the duty is imposed precisely what they were be-

fore, or the demand is increased, and the supply remains stationary.

Competition, therefore, wherever existing, whether at home or abroad, is the parent cause of cheapness. If a high duty excites production at home, and the quantity of the domestic article exceeds the amount which had been previously imported, the price will fall. * * *

But it is argued that if, by the skill, experience, and perfection which we have acquired in certain branches of manufacture, they can be made as cheap as similar articles abroad, and enter fairly into competition with them, why not repeal the duties as to those articles? And why should we? Assuming the truth of the supposition, the foreign article would not be introduced in the regular course of trade, but would remain excluded by the possession of the home market, which the domestic article had obtained. The repeal, therefore, would have no legitimate effect. But might not the foreign article be imported in vast quantities, to glut our markets, break down our establishments, and ultimately to enable the foreigner to monopolize the supply of our consumption? America is the greatest foreign market for European manufactures. It is that to which European

attention is constantly directed. If a great house becomes bankrupt there, its storehouses are emptied, and the goods are shipped to America, where, in consequence of our auctions, and our custom-house credits, the greatest facilities are afforded in the sale of them. Combinations among manufacturers might take place, or even the operations of foreign governments might be directed to the destruction of our establishments. A repeal, therefore, of one protecting duty, from some one or all of these causes, would be followed by flooding the country with the foreign fabric, surcharging the market, reducing the price, and a complete prostration of our manufactories; after which the foreigner would leisurely look about to indemnify himself in the increased prices which he would be enabled to command by his monopoly of the supply of our consumption. What American citizen, after the government had displayed this vacillating policy, would be again tempted to place the smallest confidence in the public faith, and adventure once more into this branch of industry?

Gentlemen have allowed to the manufacturing portions of the community no peace; they have been constantly threatened with the over-

throw of the American system. From the year 1820, if not from 1816, down to this time, they have been held in a condition of constant alarm and insecurity. Nothing is more prejudicial to the great interests of a nation than an unsettled and varying policy. Although every appeal to the National Legislature has been responded to in conformity with the wishes and sentiments of the great majority of the people, measures of protection have only been carried by such small majorities as to excite hopes on the one hand, and fears on the other. Let the country breathe, let its vast resources be developed, let its energies be fully put forth, let it have tranquillity, and, my word for it, the degree of perfection in the arts which it will exhibit will be greater than that which has been presented, astonishing as our progress has been. Although some branches of our manufactures might, and in foreign markets now do, fearlessly contend with similar foreign fabrics, there are many others yet in their infancy, struggling with the difficulties which encompass them. We should look at the whole system, and recollect that time, when we contemplate the great movements of a nation, is very different from the short period which is allotted for the duration

of individual life. The honorable gentleman from South Carolina well and eloquently said, in 1824: "No great interest of any country ever grew up in a day; no new branch of industry can become firmly and profitably established but in a long course of years; every thing, indeed, great or good, is matured by slow degrees; that which attains a speedy maturity is of small value, and is destined to brief existence. It is the order of Providence, that powers gradually developed, shall alone attain permanency and perfection. Thus must it be with our national institutions, and national character itself."

I feel most sensibly, Mr. President, how much I have trespassed upon the Senate. My apology is a deep and deliberate conviction, that the great cause under debate involves the prosperity and the destiny of the Union. But the best requital I can make, for the friendly indulgence which has been extended to me by the Senate, and for which I shall ever retain sentiments of lasting gratitude, is to proceed with as little delay as practicable, to the conclusion of a discourse which has not been more tedious to the Senate than exhausting to me. I have now to consider the remaining of the

two propositions which I have already announced. That is—

Second, that under the operation of the American system, the products of our agriculture command a higher price than they would do without it, by the creation of a home market, and by the augmentation of wealth produced by manufacturing industry, which enlarges our powers of consumption both of domestic and foreign articles. The importance of the home market is among the established maxims which are universally recognized by all writers and all men. However some may differ as to the relative advantages of the foreign and the home market, none deny to the latter great value and high consideration. It is nearer to us; beyond the control of foreign legislation; and undisturbed by those vicissitudes to which all international intercourse is more or less exposed. The most stupid are sensible of the benefit of a residence in the vicinity of a large manufactory, or of a market-town, of a good road, or of a navigable stream, which connects their farms with some great capital. If the pursuits of all men were perfectly the same, although they would be in possession of the greatest abundance of the particular products of their industry, they

might, at the same time, be in extreme want of other necessary articles of human subsistence. The uniformity of the general occupation would preclude all exchange, all commerce. It is only in the diversity of the vocations of the members of a community that the means can be found for those salutary exchanges which conduce to the general prosperity. And the greater that diversity, the more extensive and the more animating is the circle of exchange. Even if foreign markets were freely and widely open to the reception of our agricultural produce, from its bulky nature, and the distance of the interior, and the dangers of the ocean, large portions of it could never profitably reach the foreign market. But let us quit this field of theory, clear as it is, and look at the practical operation of the system of protection, beginning with the most valuable staple of our agriculture.

In considering this staple, the first circumstance that excites our surprise is the rapidity with which the amount of it has annually increased. Does not this fact, however, demonstrate that the cultivation of it could not have been so very unprofitable? If the business were ruinous, would more and more have annually engaged in it? The quantity in

1816 was eighty-one millions of pounds; in 1826, two hundred and four millions; and in 1830, near three hundred millions! The ground of greatest surprise is that it has been able to sustain even its present price with such an enormous augmentation of quantity. It could not have been done but for the combined operation of three causes, by which the consumption of cotton fabrics has been greatly extended in consequence of their reduced prices: first, competition; second, the improvement of labor-saving machinery; and thirdly, the low price of the raw material. The crop of 1819, amounting to eighty-eight millions of pounds, produced twenty-one millions of dollars; the crop of 1823, when the amount was swelled to one hundred and seventy-four millions (almost double of that of 1819), produced a less sum by more than half a million of dollars; and the crop of 1824, amounting to thirty millions of pounds less than that of the preceding year, produced a million and a half of dollars more.

If there be any foundation for the established law of price, supply, and demand, ought not the fact of this great increase of the supply to account satisfactorily for the alleged low price of cotton? * * *

Let us suppose that the home demand for cotton, which has been created by the American system, should cease, and that the two hundred thousand bales which the home market now absorbs were now thrown into the glutted markets of foreign countries; would not the effect inevitably be to produce a further and great reduction in the price of the article? If there be any truth in the facts and principles which I have before stated and endeavored to illustrate, it cannot be doubted that the existence of American manufactures has tended to increase the demand and extend the consumption of the raw material; and that, but for this increased demand, the price of the article would have fallen possibly one half lower than it now is. The error of the opposite argument is in assuming one thing, which being denied, the whole fails—that is, it assumes that the *whole* labor of the United States would be profitably employed without manufactures. Now, the truth is that the system excites and creates labor, and this labor creates wealth, and this new wealth communicates additional ability to consume, which acts on all the objects contributing to human comfort and enjoyment. The amount of cotton imported into the two ports of Boston and

Providence alone during the last year (and it was imported exclusively for the home manuture) was 109,517 bales.

On passing from that article to others of our agricultural productions, we shall find not less gratifying facts. The total quantity of flour imported into Boston, during the same year, was 284,504 barrels, and 3,955 half barrels; of which, there were from Virginia, Georgetown, and Alexandria, 114,222 barrels; of Indian corn, 681,131 bushels; of oats, 239,809 bushels; of rye, about 50,000 bushels; and of shorts, 63,489 bushels; into the port of Providence, 71,369 barrels of flour; 216,662 bushels of Indian corn, and 7,772 bushels of rye. And there were discharged at the port of Philadelphia, 420,353 bushels of Indian corn, 201,878 bushels of wheat, and 110,557 bushels of rye and barley. There were slaughtered in Boston during the same year, 1831, (the only Northern city from which I have obtained returns,) 33,922 beef cattle; 15,400 calves; 84,453 sheep, and 26,871 swine. It is confidently believed that there is not a less quantity of Southern flour consumed at the North than eight hundred thousand barrels, a greater amount, probably, than is shipped to all the foreign markets of the world together.

What would be the condition of the farming country of the United States—of all that portion which lies north, east, and west of James River, including a large part of North Carolina —if a home market did not exist for this immense amount of agricultural produce. Without that market, where could it be sold? In foreign markets? If their restrictive laws did not exist, their capacity would not enable them to purchase and consume this vast addition to their present supplies, which must be thrown in, or thrown away, but for the home market. But their laws exclude us from their markets. I shall content myself by calling the attention of the Senate to Great Britain only. The duties in the ports of the united kingdom on bread-stuffs are prohibitory, except in times of dearth. On rice, the duty is fifteen shillings sterling per hundred weight, being more than one hundred per centum. On manufactured tobacco it is nine shillings sterling per pound, or about two thousand per centum. On leaf tobacco three shillings per pound, or one thousand two hundred per centum. On lumber, and some other articles, they are from four hundred to fifteen hundred per centum more than on similar articles imported from British colonies. In the

British West Indies the duty on beef, pork, hams, and bacon, is twelve shillings sterling per hundred, more than one hundred per centum on the first cost of beef and pork in the Western States. And yet Great Britain is the power in whose behalf we are called upon to legislate, so that *we* may enable *her* to purchase our cotton. Great Britain, that thinks only of herself in her own legislation! When have we experienced justice, much less favor, at her hands? When did she shape her legislation with reference to the interests of any foreign power? She is a great, opulent, and powerful nation; but haughty, arrogant, and supercilious; not more separated from the rest of the world by the sea that girts her island, than she is separated in feeling, sympathy, or friendly consideration of their welfare. Gentlemen, in supposing it impracticable that we should successfully compete with her in manufactures, do injustice to the skill and enterprise of their own country. Gallant as Great Britain undoubtedly is, we have gloriously contended with her, man to man, gun to gun, ship to ship, fleet to fleet, and army to army. And I have no doubt we are destined to achieve equal success in the more useful, if not nobler, contest for superiority in the arts of civil life.

I could extend and dwell on the long list of articles—the hemp, iron, lead, coal, and other items—for which a demand is created in the home market by the operation of the American system; but I should exhaust the patience of the Senate. *Where, where* should we find a market for all these articles, if it did not exist at home? What would be the condition of the largest portion of our people, and of the territory, if this home market were annihilated? How could they be supplied with objects of prime necessity? What would not be the certain and inevitable decline in the price of all these articles, but for the home market? And allow me, Mr. President, to say, that of all the agricultural parts of the United States which are benefited by the operation of this system, none are equally so with those which border the Chesapeake Bay, the lower parts of North Carolina, Virginia, and the two shores of Maryland. Their facilities of transportation, and proximity to the North, give them decided advantages.

But if all this reasoning were totally fallacious; if the price of manufactured articles were really higher, under the American system, than without it, I should still argue that high or

low prices were themselves relative—relative to the ability to pay them. It is in vain to tempt, to tantalize us with the lower prices of European fabrics than our own, if we have nothing wherewith to purchase them. If, by the home exchanges, we can be supplied with necessary, even if they are dearer and worse, articles of American production than the foreign, it is better than not to be supplied at all. And how would the large portion of our country, which I have described, be supplied, but for the home exchanges? A poor people, destitute of wealth or of exchangeable commodities, have nothing to purchase foreign fabrics with. To them they are equally beyond their reach, whether their cost be a dollar or a guinea. It is in this view of the matter that Great Britain, by her vast wealth, her *excited* and *protected* industry, is enabled to bear a burden of taxation, which, when compared to that of other nations, appears enormous; but which, when her immense riches are compared to theirs, is light and trivial. The gentleman from South Carolina has drawn a lively and flattering picture of our coasts, bays, rivers, and harbors; and he argues that these proclaimed the design of Providence that we should be a commercial

people. I agree with him. We differ only as to the means. He would cherish the foreign, and neglect the internal, trade. I would foster both. What is navigation without ships, or ships witnout cargoes? By penetrating the bosoms of our mountains, and extracting from them their precious treasures; by cultivating the earth, and *securing* a home market for its rich and abundant products; by employing the water power with which we are blessed; by stimulating and protecting our native industry, in all its forms; we shall but nourish and promote the prosperity of commerce, foreign and domestic.

I have hitherto considered the question in reference only to a state of peace; but who can tell when the storm of war shall again break forth? Have we forgotten so soon the privations to which not merely our brave soldiers and our gallant tars were subjected, but the whole community, during the last war, for the want of absolute necessaries? To what an enormous price they rose! And how inadequate the supply was, at any price! The statesman who justly elevates his views will look behind as well as forward, and at the existing state of things; and he will graduate the policy

which he recommends to all the probable exigencies which may arise in the republic. Taking this comprehensive range, it would be easy to show that the higher prices of peace, if prices were higher in peace, were more than compensated by the lower prices of war, during which supplies of all essential articles are indispensable to its vigorous, effectual, and glorious prosecution. I conclude this part of the argument with the hope that my humble exertions have not been altogether unsuccessful in showing:

First, that the policy which we have been considering ought to continue to be regarded as the genuine American system.

Secondly, that the free-trade system, which is proposed as its substitute, ought really to be considered as the British colonial system.

Thirdly, that the American system is beneficial to all parts of the Union, and absolutely necessary to much the larger portion.

Fourthly, that the price of the great staple of cotton, and of all our chief productions of agriculture, has been sustained and upheld, and a decline averted, by the protective system.

Fifthly, that if the foreign demand for cotton has been at all diminished, the diminution has

been more than compensated in the additional demand created at home.

Sixthly, that the constant tendency of the system, by creating competition among ourselves, and between American and European industry, reciprocally acting upon each other, is to reduce prices of manufactured objects.

Seventhly, that, in point of fact, objects within the scope of the policy of protection have greatly fallen in price.

Eighthly, that if, in a season of peace, these benefits are experienced, in a season of war, when the foreign supply might be cut off, they would be much more extensively felt.

Ninthly, and finally, that the substitution of the British colonial system for the American system, without benefiting any section of the Union, by subjecting us to a foreign legislation, regulated by foreign interests, would lead to the prostration of our manufactories, general impoverishment, and ultimate ruin. * * * The danger of our Union does not lie on the side of persistence in the American system, but on that of its abandonment. If, as I have supposed and believe, the inhabitants of all north and east of James River, and all west of the mountains, including Louisiana, are deeply

interested in the preservation of that system, would they be reconciled to its overthrow? Can it be expected that two thirds, if not three fourths, of the people of the United States would consent to the destruction of a policy, believed to be indispensably necessary to their prosperity? When, too, the sacrifice is made at the instance of a single interest, which they verily believe will not be promoted by it? In estimating the degree of peril which may be incident to two opposite courses of human policy, the statesman would be short-sighted who should content himself with viewing only the evils, real or imaginary, which belong to that course which is in practical operation. He should lift himself up to the contemplation of those greater and more certain dangers which might inevitably attend the adoption of the alternative course. What would be the condition of this Union, if Pennsylvania and New York, those mammoth members of our Confederacy, were firmly persuaded that their industry was paralyzed, and their prosperity blighted, by the enforcement of the British colonial system, under the delusive name of free trade? They are now tranquil and happy and contented, conscious of their welfare, and

feeling a salutary and rapid circulation of the products of home manufactures and home industry, throughout all their great arteries. But let that be checked, let them feel that a foreign system is to predominate, and the sources of their subsistence and comfort dried up; let New England and the West, and the Middle States, all feel that they too are the victims of a mistaken policy, and let these vast portions of our country despair of any favorable change, and then indeed might we tremble for the continuance and safety of this Union!

And need I remind you, sir, that this dereliction of the duty of protecting our domestic industry, and abandonment of it to the fate of foreign legislation, would be directly at war with leading considerations which prompted the adoption of the present Constitution? The States respectively surrendered to the general government the whole power of laying imposts on foreign goods. They stripped themselves of all power to protect their own manufactures by the most efficacious means of encouragement—the imposition of duties on rival foreign fabrics. Did they create that great trust, did they voluntarily subject themselves to this self-restriction, that the power should remain

in the Federal government inactive, unexecuted, and lifeless? Mr. Madison, at the commencement of the government, told you otherwise. In discussing at that early period this very subject, he declared that a failure to exercise this power would be a "*fraud*" upon the Northern States, to which may now be added the Middle and Western States.

[Governor Miller asked to what expression of Mr. Madison's opinion Mr. Clay referred; and Mr. Clay replied, his opinion, expressed in the House of Representatives in 1789, as reported in Lloyd's Congressional Debates.]

Gentlemen are greatly deceived as to the hold which this system has in the affections of the people of the United States. They represent that it is the policy of New England, and that she is most benefited by it. If there be any part of this Union which has been most steady, most unanimous, and most determined in its support, it is Pennsylvania. Why is not that powerful State attacked? Why pass her over, and aim the blow at New England? New England came reluctantly into the policy. In 1824, a majority of her delegation was opposed to it. From the largest State of New England there was but a solitary vote in favor of the

bill. That interesting people can readily accommodate their industry to any policy, provided it be *settled*. They supposed this was fixed, and they submitted to the decrees of government. And the progress of public opinion has kept pace with the developments of the benefits of the system. Now, all New England, at least in this House (with the exception of one small still voice), is in favor of the system. In 1824, all Maryland was against it; now the majority is for it. Then, Louisiana, with one exception, was opposed to it; now, without any exception, she is in favor of it. The march of public sentiment is to the South. Virginia will be the next convert; and in less than seven years, if there be no obstacles from political causes, or prejudices industriously instilled, the majority of Eastern Virginia will be, as the majority of Western Virginia now is, in favor of the American system. North Carolina will follow later, but not less certainly. Eastern Tennessee is now in favor of the system. And, finally, its doctrines will pervade the whole Union, and the wonder will be, that they ever should have been opposed.

FRANK H. HURD,

OF OHIO.

(BORN 1841.)

A TARIFF FOR REVENUE ONLY; HOUSE OF REPRESENTATIVES, FEBRUARY 18, 1881.

MR. CHAIRMAN:

At the very threshold it is proper to define the terms I shall use and state the exact propositions I purpose to maintain. A tariff is a tax upon imported goods. Like other taxes which are levied, it should be imposed only to raise revenue for the government. It is true that incidental protection to some industries will occur when the duty is placed upon articles which may enter into competition with those of domestic manufacture. I do not propose to discuss now how this incidental protection shall be distributed. This will be a subsequent consideration when the preliminary question has been settled as to what shall be the nature of the tariff itself. The present tariff imposes duties

upon nearly four thousand articles, and was levied and is defended upon the ground that American industries should be protected. Thus protection has been made the object; revenue the incident. Indeed, in many cases the duty is so high that no revenue whatever is raised for the government, and in nearly all so high that much less revenue is collected than might be realized. So true is this that, if the present tariff were changed so as to make it thereby a revenue tariff, one fifth at least could be added to the receipts of the Treasury from imports. Whenever I use the phrase free trade or free trader, I mean either a tariff for revenue only or one who advocates it.

So far as a tariff for revenue is concerned, I do not oppose it, even though it may contain some objectionable incidental protection. The necessities of the government require large revenues, and it is not proposed to interfere with a tariff so long as it is levied to produce them; but, to a tariff levied for protection in itself and for its own sake, I do object. I therefore oppose the present tariff, and the whole doctrine by which it is attempted to be justified. I make war against all its protective features, and insist that the laws which contain them shall be amended,

so that out of the importations upon which the duty is levied the greatest possible revenue for the government may be obtained.

What, then, is the theory of protection? It is based upon the idea that foreign produce imported into this country will enter into competition with domestic products and undersell them in the home market, thus crippling if not destroying domestic production. To prevent this, the price of the foreign goods in the home market is increased so as to keep them out of the country altogether, or to place the foreigner, in the cost of production, upon the same footing as the American producer. This is proposed to be done by levying a duty upon the foreign importation. If it be so high that the importer cannot pay it and sell the goods at a profit, the facilities of production between this and other countries are said to be equalized, and the American producer is said to be protected. It will be seen, therefore, that protection means the increase of price. Without it the fabric has no foundation on which to rest. If the foreign goods are still imported, the importer adds the duty paid to the selling price. If he cannot import with profit, the American producer raises his price to a point

always below that at which the foreign goods could be profitably brought into the country, and controls the market. In either event, there is an increase of price of the products sought to be protected. The bald proposition therefore is that American industries can and ought to be protected by increasing the prices of the products of such industries.

There are three popular opinions, industriously cultivated and strengthened by adroit advocates, upon which the whole system rests, and to which appeals are ever confidently made. These opinions are erroneous, and lead to false conclusions, and should be first considered in every discussion of this question.

The first is, that the balance of trade is in our favor when our exportations exceed our importations. Upon this theory it is argued that it cannot be unwise to put restrictions upon importations, for they say that at one and the same time you give protection to our industries and keep the balance of trade in our favor. But the slightest investigation will show that this proposition cannot be maintained. A single illustration, often repeated, but never old in this discussion, will demonstrate it. Let a ship set sail from Portland, Maine, with a cargo of staves

registered at the port of departure as worth $5,000. They are carried to the West India Islands, where staves are in demand, and exchanged for sugar or molasses. The ship returns, and after duty paid the owner sells his sugar and molasses at a profit of $5,000. Here more has been imported than exported. Upon this transaction the protectionist would say that the balance of trade was against us $5,000; the free trader says that the sum represents the profit to the shipper upon his traffic, and the true balance in our favor.

Suppose that after it has set sail the vessel with its cargo had been lost. In such case five thousand dollars' worth of goods would have been exported, with no importation against it. The exportation has exceeded the importation that sum. Is not the balance of trade, according to the protection theory, to that amount in our favor? Then let the protectionist turn pirate and scuttle and sink all the vessels laden with our exports, and soon the balance of trade in our favor will be large enough to satisfy even most advocates of the American protective system. The true theory is that in commerce the overplus of the importation above the exportation represents the profit accruing to the coun-

try. This overplus, deducting the expenses, is real wealth added to the land. Push the two theories to their last position and the true one will be clearly seen. Export every thing, import nothing, though the balance of trade may be said to be overwhelmingly in our favor, there is poverty, scarcity, death. Import every thing, export nothing, we then will have in addition to our own all the wealth of the world in our possession.

Secondly, it is said that a nation should be independent of foreign nations, lest in time of war it might find itself helpless or defenceless. Free trade, it is charged, makes a people dependent upon foreigners. But traffic is exchange. Foreign products do not come into a country unless domestic products go out. This dependence, therefore, is mutual. By trade with foreign nations they are as dependent upon us as we upon them, and in the event of a disturbance of peace the nation with which we would be at war would lose just as much as we would lose, and both as to the war would in that regard stand upon terms of equality. It must not be forgotten that the obstruction of trade between nations is one of the greatest occasions of war. It frequently

gives rise to misunderstandings which result in serious conflicts. By removing these obstacles and making trade as free as possible, nations are brought closer together, the interests of their people become intermingled, business associations are formed between them, which go far to keep down national dispute, and prevent the wars in which the dependent nation is said to be so helpless. Japan and China have for centuries practised the protective theory of independence of foreigners, and yet, in a war with other nations, they would be the most helpless people in the world. That nation is the most independent which knows most of, and trades most with, the world, and by such knowledge and trade is able to avail itself of the products of the skill, intellect, and genius of all the nations of the earth.

A third erroneous impression sought to be made upon the public mind is that whatever increases the amount of labor in a country is a benefit to it. Protection, it is argued, will increase the amount of labor, and therefore will increase a country's prosperity. The error in this proposition lies in mistaking the true nature of labor. It regards it as the end, not as the means to an end. Men do not labor merely

for the sake of labor, but that out of its products they may derive support and comfort for themselves and those dependent upon them. The result, therefore, does not depend upon the amount of labor done, but upon the value of the product. That country, therefore, is the most prosperous which enables the laborer to obtain the greatest possible value for the product of his toil, not that which imposes the greatest labor upon him. If this were not the case men were better off before the appliances of steam as motive power were discovered, or railroads were built, or the telegraph was invented. The man who invents a labor-saving machine is a public enemy; and he would be a public benefactor who would restore the good old times when the farmer never had a leisure day, and the sun never set on the toil of the mechanic. No, Mr. Chairman, it is the desire of every laborer to get the maximum of result from the minimum of effort. That system, therefore, can be of no advantage to him which, while it gives him employment, robs him of its fruits. This, it will be seen, protection does, while free trade, giving him unrestricted control of the product of his labor, enables him to get the fullest value for it in markets of his own selection.

The protectionist, relying upon the propositions I have thus hurriedly discussed, urges many specious reasons for his system, to a few of which only do I intend to call attention today.

In the first place, it is urged that protection will develop the resources of a country, which without it would remain undeveloped. Of course this, to be of advantage to a country, must be a general aggregate increase of development, for if it be an increase of some resources as a result of diminution in others, the people as a whole can be no better off after protection than before. But the general resources cannot be increased by a tariff. There can only be such an increase by an addition to the disposable capital of the country to be applied to the development of resources. But legislation cannot make this. If it could it would only be necessary to enact laws indefinitely to increase capital indefinitely. But, if any legislation could accomplish this, it would not be protective legislation. As already shown, the theory of protection is to make prices higher, in order to make business profitable. This necessarily increases the expense of production, which keeps foreign capital away, because it can be em-

ployed in the protected industries more profitably elsewhere. The domestic capital, therefore, must be relied upon for the proposed development. As legislation cannot increase that capital, if it be tempted by the higher prices to the business protected, it must be taken from some other business or investment. If there are more workers in factories there will be fewer artisans. If there are more workers in shops there will be fewer farmers. If there are more in the towns there will be fewer in the country. The only effect of protection, therefore, in this point of view, can be to take capital from some employment to put it into another, that the aggregate disposable capital cannot be increased, nor the aggregate development of the resources of a country be greater with a tariff than without.

But, secondly, it is said that protection increases the number of industries, thereby diversifying labor and making a variety in the occupations of a people who otherwise might be confined to a single branch of employment. This argument proceeds upon the assumption that there would be no diversification of labor without protection. In other words, it is assumed that but for protection our people would devote themselves to agriculture. This, how-

ever, is not true. Even if a community were purely agricultural, the necessities of the situation would make diversification of industry. There must be blacksmiths, and shoemakers, and millers, and merchants, and carpenters, and other artisans. To each one of these employments, as population increases, more and more will devote themselves, and with each year new demands will spring up, which will create new industries to supply them. I was born in the midst of a splendid farming country. The business of nine tenths of the people of my native county was farming. My intelligent boyhood was spent there from 1850 to 1860, when there was no tariff for protection. There were thriving towns for the general trading. There were woollen mills and operatives. There were flouring mills and millers. There were iron founders and their employés. There were artisans of every description. There were grocers and merchants, with every variety of goods and wares for sale; there were banks and bankers; there was all the diversification of industry that a thriving, industrious, and intelligent community required; not established by protection nor by government aid, but growing naturally out of the wants and necessities of

the people. Such a diversification is always healthful, because it is natural, and will continue so long as the people are industrious and thrifty. The diversification which protection makes is forced and artificial. Suppose protection had come to my native county to further diversify industries. It would have begun by giving higher prices to some industry already established, or profits greater than the average rate to some new industry which it would have started. This would have disturbed the natural order. It would necessarily have embarrassed some interests to help the protected ones. The loss in the most favorable view would have been equal to the gain, and besides trade would inevitably have been annoyed by the obstruction of its natural channels.

The worst feature of this kind of diversified industry is that the protected ones never willingly give up the government aid. They scare at competition as a child at a ghost. As soon as the markets seem against them, they rush to Congress for further help. They are never content with the protection they have; they are always eager for more. In this dependence upon the government bounty the persons protected learn to distrust themselves; and pro-

tection therefore inevitably destroys that manly, sturdy spirit of individuality and independence which should characterize the successful American business man.

Thirdly, it is said that protection gives increased employment to labor and enhances the wages of workingmen. For a long time no position was more strenuously insisted upon by the advocates of the protective system than that the wages of labor would be increased under it. At this point in the discussion I shall only undertake to show that it is impossible that protection should produce this result. What determines the amount of wages paid? Some maintain that it is the amount of the wage fund existing at the time that the labor is done. Under this theory it is claimed that, at any given time, there is a certain amount of capital to be applied to the payment of wages, as certain and fixed as though its amount had been determined in advance. Others maintain that the amount of wages is fixed by what the laborer makes, or, in other words, by the product of his work, and that, therefore, his wage is determined by the efficiency of his labor alone. Both these views are partly true. The wages of the laborer are undoubtedly de-

termined by the efficiency of his work, but the aggregate amount paid for labor cannot exceed the amount properly chargeable to the wage fund without in a little time diminishing the profits of production and ultimately the quantity of labor employed.

But, whichever theory be true, it is clear that protection can add nothing to the amount of wages. It cannot increase the amount of capital applicable to the payment of wages, unless it can be shown that the aggregate capital of a country can be increased by legislation; nor can it add to the efficiency of labor, for that depends upon individual effort exclusively. A man who makes little in a day now may in a year make much more in the same time; his labor has become more efficient. Whether this shall be done depends on the taste, temperament, application, aptitude, and skill of the individual. No one will pretend that protection can increase the aggregate of these qualities in the labor of the country. The result is that it is impossible for protection, either by adding to the wage fund or by increasing the efficiency of labor, to enhance the wages of laboring men, a theory which I shall shortly show is incontrovertibly established by the facts.

I will now, Mr. Chairman, briefly present a few of the principal objections to a tariff for protection. As has been shown, the basis of protection is an increase in the price of the protected products. Who pays this increased price? I shall not stop now to consider the argument often urged that it is paid by the foreign producer, because it can be easily shown to the contrary by every one's experience. I shall for this argument assume it as demonstrated that the increase of price which protection makes is paid by the consumer. This suggests the first great objection to protection, that it compels the consumer to pay more for goods than they are really worth, ostensibly to help the business of a producer. Now consumers constitute the vast majority of the people. The producers of protected articles are few in comparison with them. It is true that most men are both producers and consumers. But, for the great majority, there is little or no protection for what they produce, but large protection for what they consume. The tariff is principally levied upon woollen goods, lumber, furniture, stoves and other manufactured articles of iron, and upon sugar and salt. The necessities of life are weighted with the burden. It is

out of the necessities of the people, therefore, that the money is realized to support the protective system. I say, Mr. Chairman, that it is beyond the sphere of true governmental power to tax one man to help the business of another. It is, by power, taking money from one to give it to another. This is robbery, nothing more nor less. When a man earns a dollar it is his own; and no power of reasoning can justify the legislative power in taking it from him except for the uses of the government.

Yet, Mr. Chairman, the present tariff takes hundreds of millions of dollars every year from the farmer, the laborer, and other consumers, under the claim of enriching the manufacturer. It may not be much for each one to contribute, yet in the aggregate it is an enormous sum. For many, too, it is very much. The statistics will show that every head of a family who receives four hundred dollars a year in wages pays at least one hundred dollars on account of protection. Put such a tax on all incomes and the country would be in a ferment of excitement until it was removed. But it is upon the poor and lowly that the tax is placed, and their voices are not often heard in shaping the policies of tariff legislation. I repeat, the product

of one's labor is his own. It is his highest right, subject only to the necessities of the government, to do with it as he pleases. Protection invades, destroys that right. It ought to be destroyed, until every American freeman can spend his money where it will be of the most service to him.

To illustrate the cost of protection to the consumer, consider its operation in increasing the price of two or three of the leading articles protected. Take paper for example. The duty on that commodity is twenty per cent. ad valorem. Most of the articles which enter into its manufacture or are required in the process of making it are increased in price by protection. The result is that the price of paper to the consumer is increased nearly fifteen per cent.; that is, if the tariff were taken off paper and the articles used in its manufacture, paper would be fifteen per cent. cheaper to the buyer. The paper-mills for five years have produced nearly one hundred millions of dollars' worth of paper a year. The consumers have been compelled to pay fifteen millions a year to the manufacturer more than the paper could have been bought for without the tariff. In five years this has amounted to $75,000,000, an im-

mense sum paid to protection. It is a tax upon books and newspapers; it is a tax upon intelligence; it is a premium upon ignorance. So heavy had the burden of this tax become that every newspaper man in the district I have the honor to represent has appealed to Congress to take the duty off. The government has derived little revenue from the paper duty. It has gone almost entirely to the manufacturer, who himself has not been benefited as anticipated, as will presently be seen. These burdens have been imposed to protect the paper manufacturer against the foreigner, in face of the confident prediction made by one of the most experienced paper men in the country, that if all protection were taken off paper and the material used in its manufacture, the manufacturer would be able to successfully compete with the foreigner in nearly every desirable market in the world.

Take blankets also for example. The tariff on coarse blankets is nearly one hundred per cent. ad valorem. They can be bought in most of the markets of the world for two dollars a pair. Yet our poor, who use the most of that grade of blankets, are compelled to pay about four dollars a pair. The government derives little revenue from it, as the importation of

these blankets for years has been trifling. This tax has been a heavy burden upon the poor during this severe winter, a tax running into the millions to support protection. Heaven save a country from a system which begrudges to the shivering poor the blankets to make them comfortable in the winter and the cold!

Secondly, protection has diminished the income of the laborer from his wages. The first factor in the ascertainment of the value of wages is their purchasing power, or how much can be bought with them. If in one country the wages are five dollars a day and in another only one dollar, if the laborer can in the one country with the one dollar, purchase more of the necessary articles required in daily consumption, he, in fact, is better paid than the former in the other who gets five dollars a day. Admit for a moment that protection raises the wages of the laborer, it also raises the price of nearly all the necessaries of life, and what he makes in wages he more than loses in the increase of prices of what he is obliged to buy. As already stated, a head of a family who earns $400 per year is compelled to pay $100 more for what he needs, on account of protection. What difference is it to him whether the $100 are taken

out of his wages before they are paid, or taken from him afterward in the increased price of articles he cannot get along without? In both cases he really receives only $300 for his year's labor. The statistics show that the average increased cost of twelve articles most required in daily consumption in 1874 over 1860 was ninety-two per cent., while the average increase of wages of eight artisans, cabinet-makers, coopers, carpenters, painters, shoemakers, tailors, tanners, and tinsmiths, was only sixty per cent., demonstrating that the purchasing power of labor had under protection in thirteen years depreciated 19.5 per cent. But protection has not even raised the nominal wages in most of the unprotected industries. I find that the wages of the farm hand, the day laborer, and the ordinary artisan are in most places now no higher than they were in 1860.

But it is confidently asserted that the wages of laborers in the protected industries are higher because of protection. Admit it. I have not the figures for 1880, but in 1870 there were not 500,000 of them; but of the laborers in other industries there were 12,000,000, exclusive of those in agriculture, who were 6,000,000 more. Why should the wages of the half million be

increased beyond their natural rate, while those of the others remain unchanged? More—why should the wages of the 18,000,000 be diminished that those of the half million may be increased? For an increase cannot be made in the wage rate of one class without a proportionate decrease in that of others. But the wages of labor in protected industries are not permanently increased by protection. Another very important factor in ascertaining the value of wages is the continuance or the steadiness of the employment. Two dollars a day for half the year is no more than a dollar a day for the whole year. Employment in most protected industries is spasmodic. In the leading industries for the past ten years employment has not averaged more than three fourths of the time, and not at very high wages. Within the last year manufacturers of silk, carpets, nails and many other articles of iron, of various kinds of glassware and furniture, and coal producers have shut down their works for a part of the time, or reduced the hours of labor. Production has been too great. To stop this and prevent the reduction of profits through increasing competition, the first thing done is to diminish the production, thus turning employés out of

employment. Wages are diminished or stopped until times are flush again. With the time estimated in which the laborers are not at work, the average rate of wages for the ten years preceding 1880 did not equal the wages in similar industries for the ten years preceding 1860 under a revenue tariff. Indeed, in many branches the wages have not been so high as those received by the pauper labor, so-called, in Europe. But it is manifest that the wages in these industries cannot for any long period be higher than the average rate in the community, for, if the wages be higher, labor will crowd into the employments thus favored until the rate is brought down to the general level. So true is this, that it is admitted by many protectionists that wages are not higher in the protected industries than in others. * * *

Thirdly, the effect of protection is disastrous to most of the protected industries themselves. We have seen that many of them have in recent years been compelled to diminish production. The cause of this is manifest. Production confines them to the American market. The high prices they are compelled to pay for protected materials which enter into the manufacture of their products disable them from

going into the foreign market. The profits which they make under the first impulse of protection invite others into the same business. As a result, therefore, more goods are made than the American market can consume. Prices go down to some extent through the competition, but rarely under the cost of production, increased, as we have seen, by the enhanced price of material required. The losses threatened by such competition are sought to be averted by the diminution of production. Combinations of those interested are formed to stop work or reduce it until the stock on hand has been consumed. Production then begins again and continues until the same necessity calls again for the same remedy. But this remedy is arbitrary, capricious, and unsatisfactory. Some will not enter into the combination at all. Others will secretly violate the agreement from the beginning. Others still, when their surplus stock has been sold, and before the general price has risen, will begin to manufacture again. There is no power to enforce any bargain they have made, and they find the plan only imperfectly curing the difficulty. They remain uncertain what to do, embarrassed and doubtful as to the future. They have through protec-

tion violated the natural laws of supply and demand, and human regulations are powerless to relieve them from the penalty.

Take, as an illustration of the operation of the system, the article of paper. One of the first effects of the general tariff was to increase the price of nearly every thing the manufacturer required to make the paper. Fifteen millions of dollars a year through the protection are taken from the consumer. The manufacturer himself is able to retain but a small part of it, as he is obliged to pay to some other protected industry for its products, they in turn to some others who furnished them with protected articles for their use, and so on to the end. The result is that nominal prices are raised all around ; the consumers pay the fifteen millions, while nobody receives any substantial benefit, because what one makes in the increased price of his product he loses in the increased price he is obliged to pay for the required products of others. The consumer is the loser, and though competition may occasionally reduce prices for him to a reasonable rate, it never to any appreciable extent compensates him for the losses he sustains through the enhanced price which the protective system inevitably causes.

It is not to be disputed that many of the protected manufacturers have grown rich. In very many cases I think it can be demonstrated that their wealth has resulted from some patent which has given them a monopoly in particular branches of manufacturing, or from some other advantage which they have employed exclusively in their business. In such cases they would have prospered without protection as with it. I think there are few, except in the very inception of a manufacturing enterprise, or in abnormal cases growing out of war or destruction of property, or the combinations of large amounts of capital, where protection alone has enriched men. The result is the robbery of the consumer with no ultimate good to most of the protective industries.

At a meeting of the textile manufacturers in Philadelphia the other day, one of the leading men in that interest said: "The fact is that the textile manufacturers of Philadelphia, the centre of the American trade, are fast approaching a crisis, and realize that something must be done, and that soon. Cotton and woollen mills are fast springing up over the South and West, and the prospects are that we will soon lose much of our trade in the coarse fabrics by rea-

son of cheap competition. The only thing we can do, therefore, is to turn our attention to the higher plane, and endeavor to make goods equal to those imported. We cannot do this now, because we have not a sufficient supply either of the culture which begets designs, or of the skill which manipulates the fibres."

What a commentary this upon protection, which has brought to such a crisis one of the chief industries protected, and which is here confessed to have failed, after twenty years, to enable it to compete even in our own markets with foreign goods of the finer quality! What is true of textile manufacturing is also true of many other industries. What remedy, then, will afford the American manufacturer relief? Not the one here suggested of increasing the manufacture of goods of finer quality, for, aside from the impracticability of the plan, this will only aggravate the difficulty by adding to the aggregate stock in the home market. * * * The American demand cannot consume what they produce. They must therefore enlarge their market or stop production. To adopt the latter course is to invite ruin. The market cannot be increased in this country. It must be found in other countries. Foreign markets

must be sought. But these cannot be opened as long as we close our markets to their products, with which alone, in most instances, they can buy; in other words, as long as we continue the protective system.

I say, therefore, to the American manufacturer, sooner or later you must choose between the alternatives of ruin or the abandonment of protection. Why hesitate in the decision? Are not Canada and South America and Mexico your natural markets? England now supplies them with almost all the foreign goods they buy. Why should not you? Your coal and iron lie together in the mountain side, and can almost be dropped without carriage into your furnaces; while in England the miners must go thousands of feet under the earth for those products. * * * The situation is yours. Break down your protective barrier. All the world will soon do the same. Their walls will disappear when ours fall. Open every market of the world to your products; give steady employment to your laborers. In a little while you will have the reward which nature always gives to those who obey her laws, and will escape the ruin which many of your most intelligent operators see impending over your industries.

I have not time to-day to more than refer to the ruinous effect of protection upon our carrying trade. In 1856, seventy-five per cent. of the total value of our imports and exports was carried in American vessels; while in 1879 but seventeen per cent. was carried in such vessels, and in 1880 the proportion was still less. In 1855, 381 ships and barks were built in the United States, while in 1879 there were only 37. It is a question of very few years at this rate until American vessels and the American flag will disappear from the high seas. Protection has more than all else to do with the prostration of this trade. It accomplishes this result (1) by enhancing the price of the materials which enter into the construction of vessels, so that our ship-builders cannot compete with foreigners engaged in the same business; (2) by increasing the cost of domestic production so that American manufactured goods cannot profitably be exported; and (3) by disabling our merchants from bringing back on their return trips foreign cargoes in exchange for our products.

Nor will I say any thing as to the increase of the crime of smuggling under protection, a crime which has done incalculable harm to

honest dealers, particularly on the border, and a crime out of which some of the largest fortunes in the country have been made.

There are many who will admit the abstract justice of much that I have said who profess to believe that it will not do to disturb the tariff now. But for the protectionist that time never comes. When the depression in business was universal, they said you must not disturb the tariff now, because the times are so hard and there is so much suffering. Now, when business has improved, they say you must not interfere with the tariff, because times are good and you may bring suffering again. When the present tariff was first levied it was defended as a temporary expedient only, required as a necessity by war. Now that a quarter of a century nearly has passed by and peace has been restored for fifteen years, the advocates for protection are as determined to hold on to the government bounty as ever. If they are to be consulted upon the subject as to when the people shall have relief, the system will be perpetual.

It is said we must not disturb the tariff because we must raise so much revenue. I do not propose to disturb it to diminish revenue, but to increase it. The plan I propose will add one

fifth at least to the revenue of the country. It is protection I propose to get rid of, not revenue. It has been well said that revenue ceases where protection begins.

It is claimed that by taking away protection you will embarrass many industries by compelling them to close up and discharge their employés. I do not believe that the changing of the present tariff to a revenue tariff will produce this result. I believe that at once every manufacturer will make more in the diminished cost of production than he will lose in the taking away of protection. But if there should be danger to any industry I would provide against it in the law which changes the tariff so that if there should be any displacement of labor there will be no loss in consequence.

No more perfect illustration of the effect of free trade has been shown than in the history of the United States. Very much of our prosperity is due to the fact that the productions of each State can be sold in every other State without restriction. During the war the most potent argument for the cause of the Union was found in the apprehension that disunion meant restriction of commerce, and particularly the placing of the mouth of the Mississippi River

under foreign control. The war was fought, therefore, to maintain free trade, and the victory was the triumph of free trade. The Union every day exhibits the advantages of the system.

Are these due to the accident of a State being a member of that Union or to the beneficent principle of the system itself? What would prevent similar results following if, subject only to the necessities of government, it were extended to Mexico, to Canada, to South America, to the world? In such extension the United States have every thing to gain, nothing to lose. This country would soon become the supply house of the world. We will soon have cattle and harvests enough for all nations. Our cotton is everywhere in demand. It is again king. Its crown has been restored, and in all the markets of the world it waves its royal sceptre. Out of our coal and minerals can be manufactured every thing which human ingenuity can devise. Our gold and silver mines will supply the greater part of the precious metals for the use of the arts and trade.

With the opportunity of unrestricted exchange of these products, how limitless the horizon of our possibilities! Let American adventurousness and genius be free upon the

high seas, to go wherever they please and bring back whatever they please, and the oceans will swarm with American sails, and the land will laugh with the plenty within its borders. The trade of Tyre and Sidon, the far extending commerce of the Venetian republic, the wealth-producing traffic of the Netherlands, will be as dreams in contrast with the stupendous reality which American enterprise will develop in our own generation. Through the humanizing influence of the trade thus encouraged, I see nations become the friends of nations, and the causes of war disappear. I see the influence of the great republic in the amelioration of the condition of the poor and the oppressed in every land, and in the moderation of the arbitrariness of power. Upon the wings of free trade will be carried the seeds of free government, to be scattered everywhere to grow and ripen into harvests of free peoples in every nation under the sun.

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